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MAY 11 1984

IN THE SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1983

ALEXANDER L. STEVENS  
CLERK

THE SCHOOL DISTRICT OF THE CITY OF  
GRAND RAPIDS, et al,

Petitioners,

v.

PHYLLIS BALL, et al,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE SIXTH CIRCUIT

**VOLUME I**

**JOINT APPENDIX**

**FRANK J. KELLEY**

Attorney General

Louis J. Caruso

Solicitor General

(Counsel of Record)

Gerald F. Young

Assistant Attorney General

Attorneys for Petitioners

Runkel, et al

Business Address:

750 Law Building

525 West Ottawa

Lansing, MI 48913

(517) 373-1116

Albert R. Dilley

(Counsel of Record)

Attorney for Respondents

Business Address:

201 Monroe Avenue, NW

Suite 600

Grand Rapids, MI 49503

(616) 459-8381

William S. Farr

John R. Oostema

(Counsel of Record)

Attorneys for Petitioner

School District of the City  
of Grand Rapids

Business Address:

248 Louis, NW

Grand Rapids, MI 49503

(616) 774-8421

Stuart D. Hubbell

(Counsel of Record)

Attorney for Petitioners

Aguilar, et al

Business Address:

400 E. Eighth

Traverse City, MI 49684

(616) 947-5600

JOINT PETITION FOR CERTIORARI FILED  
DECEMBER 15, 1983

CERTIORARI GRANTED FEBRUARY 27, 1984

MAY 11 1984

U.S. Supreme Court  
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**CHRONOLOGICAL LIST OF  
RELEVANT DOCKET ENTRIES**

August 7, 1980	Plaintiffs' Complaint filed with the U.S. District Court for the Western District of Michigan, Southern Division
February 17, 1981	Plaintiffs filed Motion for Preliminary Injunction and Motion for Summary Judgment
March 4, 1981	Defendants Garcia Aguilar, <i>et. al.</i> , filed Motion to Intervene as Party Defendants
March 19, 1981	Order entered granting the proposed Intervenors' Motion to Intervene
June 10, 1981	Stipulation and Order filed removing consideration of the GRPS' Title I programming
August 28, 1981	Hearing on plaintiffs' Motion for Preliminary Injunction and Motion for Summary Judgment
September 2, 1981	Opinion and Order of U.S. District Court entered denying plaintiffs' Motions for Preliminary Injunction and Summary Judgment
May 10-20, 1982	Nonjury trial
June 9, 1982	Judge Gibson recused himself from the case and it was reassigned to Judge Enslen
August 9, 1982	Final Arguments and tour of schools
August 16, 1982	Judge Enslen's Memorandum Opinion and Judgment were entered declaring unconstitutional the challenged programs

August 16, 1982 Order entered dismissing Americans United for Separation of Church and State for lack of standing

August 18, 1982 Defendants filed Motion with District Court to stay Judgment pending appeal

August 19, 1982 Hearing on defendants' stay request; Order entered denying defendants' stay request

August 19, 1982 Order entered under Rule 41(b) dismissing plaintiffs' challenge to defendants' Outdoor Education, Drownproofing and Driver's Education programs

August 19, 1982 Defendants' Notice of Appeal filed with the U.S. Court of Appeals for the Sixth Circuit coupled with an Emergency Application for Stay

September 2, 1982 Order entered by the U.S. Court of Appeals for Sixth Circuit denying defendants-appellants' stay request

September 10, 1982 Defendants-Appellants filed stay request with Justice Sandra Day O'Connor

September 15, 1982 Justice O'Connor denied defendants-appellants' stay request

September 23, 1983 Opinion of the U.S. Court of Appeals for Sixth Circuit

December 15, 1983 Filing of Defendants' Petition for Writ of Certiorari to the United States Court of Appeals for Sixth Circuit

February 27, 1984 Certiorari granted

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

---

**AMERICANS UNITED FOR  
SEPARATION OF CHURCH AND  
STATE, a District of Columbia  
Corporation; PHYLLIS BALL,  
KATHERINE PIEPER, GILBERT  
DAVIS, PATRICIA DAVIS,  
FREDERICK L. SCHWASS,  
and WALTER BERGMAN,**

Plaintiffs,

-vs-

**THE SCHOOL DISTRICT OF  
THE CITY OF GRAND RAPIDS,  
a Municipal Corporation; PHILLIP  
RUNKEL, Superintendent of Public  
Instruction of the State of Michigan;  
STATE BOARD OF EDUCATION  
OF THE STATE OF MICHIGAN;  
LOREN E. MONROE, State  
Treasurer of the State of Michigan,**

---

**Defendants.**

File No.  
G80 517 Ca

**COMPLAINT**

Plaintiffs respectfully show unto the Court as follows:

### I. Jurisdiction

1. This is a civil action brought by the Plaintiffs for a temporary and permanent injunction against the allocation and use of the funds of the State of Michigan and the School District of the City of Grand Rapids to finance, in whole or in part, instruction in religious schools, and to declare such use violative of the First Amendment to the Federal Constitution.

2. Jurisdiction is conferred upon this Court pursuant to Title 28, U.S. Code, Sections 1331, 1343(3), 2201 and 2202.

3. The amount in controversy in this suit, exclusive of interest and costs, is in excess of Ten Thousand (\$10,000) Dollars, as more fully appears hereinafter.

### II. Plaintiffs

4. Americans United for Separation of Church and State (hereinafter designated Americans United) is an association of persons resident in the State of Michigan and elsewhere throughout the United States having as its objective to defend, maintain and promote religious liberty and the constitutional principle of separation of church and state. In keeping with this objective, Americans United opposes the use of public funds for the support in whole or in part of sectarian schools or other private schools whose policies and practices are intended to advance and indoctrinate religion.

5. Each of the individual Plaintiffs is a citizen of the United States and a resident within said school district and pays income taxes and other taxes to the United States, and to the State of Michigan and the said school district, and each is a qualified, legal voter registered in the City of Grand Rapids, Kent County, Michigan.

### III. Defendants

6. Defendant, Phillip Runkel, is State Superintendent of Public Instruction of the State of Michigan and is sued herein in that capacity. He is responsible for the execution of the policies of the State Board of Education.

7. Defendant, Loren E. Monroe, is State Treasurer of the State of Michigan and is sued herein in that capacity. He is the chief fiscal officer of the State of Michigan.

8. Defendant, State Board of Education of the State of Michigan, is a body corporate with general supervisory powers over all public education within the State of Michigan. It is sued herein in that capacity.

9. Defendant School District of the City of Grand Rapids (hereinafter designated School District) is the governmental agency created by the laws of the State of Michigan and is charged with providing public education within its school district boundaries.

### IV. Factual Allegations

10. School District is a subdivision of the Government of the State of Michigan deriving its funds from the taxpayers. Public Act No. 269 of 1955.

11. School District has undertaken and is operating a program in which it leases or rents classrooms or portions of buildings which are owned and operated as schools by various nonpublic school associations, including Protestant Christian Associations and the Bishop and/or the Diocese of the Roman Catholic Church. These rented or leased physical facilities are then staffed by teachers employed by and paid by School

District to teach classes in physical education, art, reading, music, and mathematics to students who are enrolled for other classes in the nonpublic school.

12. These classes, which are taught by public school teachers on the premises of the various nonpublic schools, are considered and referred to by Defendant School District as "shared time classes".

13. Said classes were not designed or intended to serve the general public, but were instead intended to serve the student bodies of said nonpublic schools, and do in fact serve only said student bodies.

14. The students taught in the so-called shared time classes are not assigned to these classes by public school authorities but are assigned by nonpublic school authorities.

15. Many of the nonpublic schools involved with School District in the lease program are church-owned, maintain a student body which is largely or entirely segregated according to religion, and are operated for the principal purpose of indoctrinating in the students the religious tenets of that church.

16. Others among said nonpublic schools are owned by Christian School Associations which operate the schools through boards composed of parents and others who design the curriculum to inculcate in the students the religious tenets of the Christian Reformed Church. As a result of the religious orientation of said schools, they have become, and are, segregated on the basis of religion.

17. Furnishing of taxpayer-funded teaching services to such religiously-segregated schools and student bodies on the premises of such religious schools constitutes a significant

benefit to the religious school and to the religious tenets and beliefs of the churches or groups which operate them, in violation of the Establishment of Religion Clause of The First Amendment to the U.S. Constitution.

18. In the school year 1978-79 Defendant School District provided said "shared time" teaching services to a total of 12,479 students enrolled in religion-oriented and other non-public elementary and secondary schools. In applying for State tax funds, Defendant School District equated said 12,479 "shared time" students to 1,864 full-time public school students for which it received \$893.56 per student, or a total of \$1,665,595.84.

19. The Superintendent of Public Instruction of the State of Michigan and State Board of Education have approved said "shared time" program for purposes of receiving State taxpayer aid. Likewise, Defendant Loren E. Monroe has paid State tax funds to Defendant School District for said program. Unless enjoined from so doing, said Defendants will continue to authorize payment of tax funds, and will pay same, to Defendant School District for said program which is in violation of the Establishment Clause of the First Amendment.

20. The funds from which State School Aid is derived are general tax revenues of the State of Michigan, including income taxes and sales taxes paid by the individual Plaintiffs and others similarly situated.

21. It is contrary to the religious conscience of each of the Plaintiffs, and is contrary to the purposes for which the organizational Plaintiff was formed, to be forced by operation of the taxing power to contribute to the propagation of Religion in the support of religious schools.

22. In addition to state taxpayer funds, Defendant School District also expends local tax funds and Federal tax funds in providing said educational services at religion-oriented and religiously-affiliated schools, and said tax funds, except for their use in said unconstitutional "shared time" program, would be available for the education of public school students in the public schools of Defendant School District.

#### V. Causes of Action

23. On January 23, 1980 this court (U.S. District Court for the Western District of Michigan) rendered a decision in *Americans United for Separation of Church and State v. Porter, et al*, 485 Fed Supp 432, which declared an identical program operated by Traverse City School District to be in violation of the Establishment Clause of the First Amendment.

24. Plaintiffs believe that the "shared time" program operated as aforesaid by Defendant School District with the approval and financial support of other Defendants herein constitutes a "law respecting an establishment of religion" in violation of the First Amendment in that it (a) constitutes governmental financing and subsidizing of schools which are owned and controlled by religious bodies, organized for and engaged in the practice, propagation and teaching of religion, and limit or give preference in admission and employment to persons of particular religious faiths; (b) constitutes governmental action whose purpose and primary effect are to advance religion; (c) gives rise to an excessive governmental involvement in and entanglement with religion, and (d) gives rise to and intensifies political fragmentation and divisiveness on religious lines.

25. The acts and threatened acts of Defendants, under color of law, deprive the individual Plaintiffs and the mem-

bers of the organizational Plaintiff of rights, privileges and immunities guaranteed them by the Constitution of the United States, and more particularly, rights guaranteed them under the First and Fourteenth Amendments to the Constitution of the United States, in that Plaintiffs are being required to pay taxes for the support of religion and religious schools, to aid with public funds religion and the establishment of religion, and to give financial aid to the teaching and dissemination of religious doctrines and beliefs.

26. This action involves a genuine case or controversy between the Plaintiffs and Defendants.

27. The Plaintiffs have no plain, speedy or adequate remedy at law and will suffer irreparable injury unless a preliminary and permanent injunction are granted.

#### VI. Prayers For Relief

WHEREFORE, Plaintiffs pray:

(1) For a Judgment declaring the leasing and "shared time" arrangement between School District and the various nonpublic schools, and the payment of state aid funds to School District, to be violative of the Establishment Clause of the First Amendment to the United States Constitution, as made applicable to the states by the Fourteenth, and therefore illegal and null and void.

(2) That Defendants and each of them be enjoined from approving or carrying out any program for the expenditure of federal, state, and local tax funds to finance, in whole or in part, the performance of educational services in religious schools during school hours.

(3) That a preliminary injunction pending trial of the issues be granted to the Plaintiffs against the Defendants for the relief set forth herein.

(4) That the Plaintiffs be granted such other and further relief as to the Court may seem just and proper.

Dated: August 4, 1980

Lee Boothby /s/

Lee Boothby  
Attorney for Plaintiffs

1310 St. Joseph Road  
Berrien Springs, Michigan 49103  
Telephone: (616) 471-7787

**ANSWER ON BEHALF OF DEFENDANT  
BOARD OF EDUCATION OF THE GRAND RAPIDS  
PUBLIC SCHOOLS**

Filed December 31, 1980

[Caption Omitted in Printing]

NOW COMES The Board of Education of the Grand Rapids Public Schools (improperly labeled by plaintiffs as "The School District of the City of Grand Rapids"), a defendant herein, by and through its attorneys, Baxter & Hammond, and for its Answer to plaintiffs' Complaint, says as follows:

**I Jurisdiction**

1. Answering paragraph 1 of Count I, this defendant neither admits nor denies the allegations contained within paragraph 1 of Count I of plaintiffs' Complaint for lack of

knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs.

2. Answering paragraph 2 of Count I, this defendant makes no answer to the allegations contained within paragraph 2 of Count I of plaintiffs' Complaint for the reason that said allegations call for a legal conclusion which this defendant is not required to make.

3. Answering paragraph 3 of Count I, this defendant neither admits nor denies the allegations contained within paragraph 3 of Count I of plaintiffs' Complaint for lack of knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs.

**II Plaintiffs**

4. Answering paragraph 4 of Count II, this defendant neither admits nor denies the allegations contained within paragraph 4 of Count II of plaintiffs' Complaint for lack of knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs.

5. Answering paragraph 5 of Count II, this defendant neither admits nor denies the allegations contained within paragraph 5 of Count II of plaintiffs' Complaint for lack of knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs.

**III Defendants**

6. Answering paragraph 6 of Count III, this defendant neither admits nor denies the allegations contained within paragraph 6 of Count III of plaintiffs' Complaint for lack of knowledge or information sufficient to support a belief with

respect thereto, leaving plaintiffs to their proofs, but believe same to be true.

7. Answering paragraph 7 of Count III, this defendant neither admits nor denies the allegations contained within paragraph 7 of Count III of plaintiffs' Complaint for lack of knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs, but believe same to be true.

8. Answering paragraph 8 of Count III, this defendant neither admits nor denies the allegations contained within paragraph 8 of Count III of plaintiffs' Complaint for lack of knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs, but believe same to be true.

9. Answering paragraph 9 of Count III, this defendant admits the allegations contained within paragraph 9 of Count III of plaintiffs' Complaint.

#### IV Factual Allegations

10. Answering paragraph 10 of Count IV, this defendant admits that it is a subdivision of the Government of the State of Michigan deriving its funds from the tax payers, but additionally states with respect to said allegations, that the School Code of 1955, cited by plaintiffs, has been repealed and replaced by the School Code of 1976, which should more appropriately be denominated as Public Act 451 of the Public Acts of 1976, being MCLA 380.1 *et seq.*

11. Answering paragraph 11 of Count IV, this defendant admits that it has undertaken and is operating a program in which it leases or rents class rooms or portions of buildings which are owned and operated as schools by various

nonpublic school associations, and that these rented or leased facilities are then staffed by teachers employed by and paid by the school district to teach classes therein, and that such classes consist in part, at least, of physical education, art, music, reading (on ancillary, remedial and/or enrichment basis) and mathematics (on an ancillary, remedial and/or enrichment basis), however, with respect to any remaining allegations, this defendant neither admits nor denies same, lacking sufficient knowledge or information upon which to support a belief with respect thereto, leaving plaintiffs to their proofs.

12. Answering paragraph 12 of Count IV, this defendant admits the allegations contained within paragraph 12 of Count IV, of plaintiffs' Complaint.

13. Answering paragraph 13 of Count IV, this defendant denies the allegations contained within paragraph 13 of Count IV of plaintiffs' Complaint.

14. Answering paragraph 14 of Count IV, this defendant denies the allegations contained within paragraph 14 of Count IV of plaintiffs' Complaint.

15. Answering paragraph 15 of Count IV, this defendant admits, on information and belief, that many of the non-public schools involved with the school district in the lease program are church owned and/or affiliated, however, with respect to any remaining allegations, this defendant neither admits nor denies same lacking sufficient knowledge or information upon which to support a belief with respect thereto, leaving plaintiffs to their proofs.

16. Answering paragraph 16 of Count IV, this defendant admits, on information and belief, that other nonpublic schools involved in the lease program are or may be operated by

boards composed of parents and others, however, with respect to the remaining allegations contained within paragraph 16 of Count IV of plaintiffs' Complaint, this defendant neither admits nor denies same, lacking sufficient knowledge or information to support a belief with respect thereto, leaving plaintiffs to their proofs.

17. Answering paragraph 17 of Count IV, this defendant denies the allegations contained within paragraph 17 of Count IV of plaintiffs' Complaint for the reason that said allegations are untrue, and further states, that the "services" so noted are designed to constitute a significant benefit to the children of the school district, as a whole.

18. Answering paragraph 18 of Count IV, this defendant admits that the numerical information so set forth, is approximately, plus or minus, correct, and further states in response thereto, that a more definitive answer thereto would require extensive research in light of the peculiarities and particularities which apply to student count information, but it nonetheless believes that the figures may be approximately correct.

19. Answering paragraph 19 of Count IV, this defendant neither admits nor denies the allegations contained within paragraph 19 of Count IV of plaintiffs' Complaint for lack of knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs.

20. Answering paragraph 20 of Count IV, this defendant, on information and belief, admits the allegations set forth in paragraph 20 of Count IV of plaintiffs' Complaint.

21. Answering paragraph 21 of Count IV, this defendant, neither admits nor denies the allegations contained within paragraph 21 of Count IV of plaintiffs' Complaint for lack of knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs.

22. Answering paragraph 22 of Count IV, this defendant admits the use of local tax funds and federal tax funds in providing said educational services, and neither admits nor denies the remaining allegations for lack of knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs.

#### V. Causes of Action

23. Answering paragraph 23 of Count V, this defendant admits that the United States District Court for the Western District of Michigan has rendered a decision in the case cited by plaintiff, however, defendant specifically denies that any of the programs herein involved are in any way "identical" with the program operated by the Traverse City School District.

24. Answering paragraph 24 of Count V, this defendant neither admits nor denies any of the allegations concerning plaintiffs' beliefs, lacking sufficient knowledge or information to support a response with respect thereto, leaving plaintiffs to their proofs, however, with respect to any remaining allegations regarding the "establishment of religion", this defendant specifically denies same, for the reason that said allegations are wholly and completely untrue.

25. Answering paragraph 25 of Count V, this defendant denies the allegations contained within paragraph 25 of Count V of plaintiffs' Complaint.

26. Answering paragraph 26 of Count V, this defendant neither admits nor denies the allegations contained within paragraph 26 of Count V of plaintiffs' Complaint for lack of knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs.

27. Answering paragraph 27 of Count V, this defendant neither admits nor denies the allegations contained within paragraph 27 of Count V of plaintiffs' Complaint for lack of knowledge or information sufficient to support a belief with respect thereto, leaving plaintiffs to their proofs.

**VI. Prayers For Relief**

WHEREFORE, this defendant, with respect to each of the subparts set forth under Count VI, denies that plaintiffs are entitled to a judgment or injunction of any kind whatsoever, and prays for a judgment of no cause for action, together with its costs and attorney fees to be taxed.

DATED: 12/31 1980.

**Proof of Service**

STATE OF MICHIGAN } ss.  
COUNTY OF KENT }  
                      }

Pat Farkas, being first duly sworn, deposes and says that she is a secretary in the employ of the law firm of Baxter & Hammond, attorneys for defendant, The School District of the City of Grand Rapids herein, and she served true copies of the foregoing Answer on Behalf of Defendant Board of Education of the Grand Rapids Public Schools, and Additional and Affirmative Defenses on:

Mr. Lee Boothby  
Attorney at Law  
1310 St. Joseph Road  
Berrien Springs, MI 49103

Mr. Gerald F. Young  
Assistant Attorney General  
750 Law Building  
525 West Ottawa Street  
Lansing, MI 48913

by placing same in sealed envelopes addressed as above-indicated and depositing same in the United States mail with first-class postage fully prepaid thereon, on the 31st day of December, 1980.

Pat Farkas /s/  
Pat Farkas

Subscribed and sworn to before me  
this 31st day of December, 1980.

Notary Public, Kent County, MI  
My Commission Expires: 7-18-82

**ANSWER OF DEFENDANTS RUNKEL, ET AL**

Filed January 7, 1981

[Caption Omitted in Printing]

NOW COMES defendants Phillip Runkel, Superintendent of Public Instruction of the State of Michigan, State Board of Education of the State of Michigan, and Loren E. Monroe, State Treasurer of the State of Michigan, sometimes referred to herein as defendants Runkel, et al, by their attorneys, Frank J. Kelley, Attorney General of the State of Michigan, and Gerald F. Young and Paul J. Zimmer, Assistant Attorneys General, and make their answer to plaintiffs' complaint, respectfully representing to this Court as follows:

### I. Jurisdiction

1. Defendants Runkel, et al, lack sufficient information to form a belief as to the truth of the allegations contained in paragraph 1 of plaintiffs' complaint and leave plaintiffs to their proofs.
2. The allegations contained in paragraph 2 of plaintiffs' complaint are conclusions of law requiring no answer.

3. Defendants Runkel, et al, lack sufficient information to form a belief as to the truth of the allegations contained in paragraph 3 of plaintiffs' complaint and leave plaintiffs to their proofs.

### II. Plaintiffs

4. Defendants Runkel, et al, lack sufficient information to form a belief as to the truth of the allegations contained in paragraph 4 of plaintiffs' complaint and leave plaintiffs to their proofs.

5. Defendants Runkel, et al, lack sufficient information to form a belief as to the truth of the allegations contained in paragraph 5 of plaintiffs' complaint and leave plaintiffs to their proofs.

### III. Defendants

6. Defendants Runkel, et al, admit the allegations contained in paragraph 6 of plaintiffs' complaint
7. Defendants Runkel, et al, admit the allegations contained in paragraph 7 of plaintiffs' complaint.

8. Defendants Runkel, et al, admit the allegations contained in paragraph 8 of plaintiffs' complaint, except that defendants Runkel, et al, deny that defendant, State Board of Education, has any general power of supervision over public institutions of higher education granting baccalaureate degrees, with the exception of planning and coordinating.

9. Defendants Runkel, et al, admit the allegations contained in paragraph 9 of plaintiffs' complaint.

### IV. Factual Allegations

10. Defendants Runkel, et al, admit the allegations contained in paragraph 10 of plaintiffs' complaint except that such defendants affirmatively assert that 1955 PA 269 has been repealed and replaced by 1976 PA 451.

11. Defendants Runkel, et al, admit that defendant School District has undertaken and is operating a program in which it leases or rents class rooms or portions of buildings which are owned and operated as schools by various nonpublic school associations, and that these rented or leased facilities are then staffed by teachers employed by and paid by the school district to teach classes therein, and that such classes consist in part, at least, of physical education, art, music, reading (on ancillary, remedial and/or enrichment basis) and mathematics (on ancillary, remedial and/or enrichment basis), however, with respect to any remaining allegations, these defendants neither admit nor deny same, lacking sufficient knowledge or information upon which to form a belief with respect thereto, leaving plaintiffs to their proofs.

12. Defendants Runkel, et al, admit the allegations contained in paragraph 12 of plaintiffs' complaint.

13. Defendants Runkel, et al, deny the allegations contained in paragraph 13 of plaintiffs' complaint.

14. Defendants Runkel, et al, deny the allegations contained in paragraph 14 of plaintiffs' complaint.

15. Defendants Runkel, et al, admit, on information and belief, that many of the nonpublic schools involved with the School District in the lease program are church owned and/or affiliated, however, with respect to any remaining allegations, these defendants neither admit nor deny same lacking sufficient knowledge or information upon which to form a belief with respect thereto, leaving plaintiffs to their proofs.

16. Defendants Runkel, et al, admit, on information and belief, that other nonpublic schools involved in the lease program are or may be operated by boards composed of parents and others, however, with respect to the remaining allegations contained within paragraph 16 of plaintiffs' Complaint, these defendants neither admit nor deny same, lacking sufficient knowledge or information to form a belief with respect thereto, leaving plaintiffs to their proofs.

17. Defendants Runkel, et al, deny the allegations contained within paragraph 17 of plaintiffs' Complaint for the reason that said allegations are untrue, and further state, that the "services" so noted are designed to constitute a significant benefit to the children of the school district, as a whole.

18. Defendants Runkel, et al, admit that the numerical information so set forth, is approximately, plus or minus, correct, and further state in response thereto, that a more definitive answer thereto would require extensive research in light of the peculiarities and particularities which apply to student count information, but they nonetheless believe that the figures may be approximately correct.

19. Defendants Runkel, et al, admit the allegations contained in the first two sentences of paragraph 19 of plaintiffs' complaint and affirmatively assert that they have a duty to approve and make the payment of state aid funds to the defendant School District for public school pupils in part-time attendance in public school premises leased by the School District from nonpublic schools, pursuant to *Traverse City School District v Attorney General*, 384 Mich 390 (1971) and *Citizens to Advance Public Education v State Superintendent of Public Instruction*, 65 Mich App 168 (1975). Defendants Runkel, et al, admit the factual allegations contained in the last sentence of paragraph 19 of plaintiffs' complaint and deny the erroneous conclusion of law contained therein concerning alleged violation of the Establishment Clause.

20. Defendants Runkel, et al, admit the allegations contained in paragraph 20 of plaintiffs' complaint.

21. Defendants Runkel, et al, lack sufficient information to form a belief as to the truth of the allegations contained in paragraph 21 of plaintiffs' complaint and leave plaintiffs to their proofs.

22. Defendants Runkel, et al, admit the use of local tax funds and federal tax funds in providing said educational services, and neither admit nor deny the remaining allegations for lack of knowledge or information sufficient to form a belief with respect thereto, leaving plaintiffs to their proofs.

## V. Causes of Action

23. Defendants Runkel, et al, admit that the United States District Court for the Western District of Michigan has rendered a decision in the case cited by plaintiff, however, defendants specifically deny that any of the programs herein involved are in any way "identical" with the program operated by the Traverse City School District.

24. Defendants Runkel, et al deny the factual allegations and erroneous conclusions of law contained in paragraph 24 of plaintiffs' complaint.

25. Defendants Runkel, et al, deny the factual allegations and erroneous conclusions of law contained in paragraph 25 of plaintiffs' complaint.

26. Defendants Runkel, et al, neither admit nor deny the allegations contained within paragraph 26 of plaintiffs' Complaint for lack of knowledge or information sufficient to form a belief with respect thereto, leaving plaintiffs to their proofs.

27. Defendants Runkel, et al, neither admit nor deny the allegations contained within paragraph 27 of plaintiffs' Complaint for lack of knowledge or information sufficient to form a belief with respect thereto, leaving plaintiffs to their proofs.

WHEREFORE, defendants Runkel, et al, respectfully request this court to dismiss plaintiffs' complaint for failure to state a claim upon which relief can be granted.

Respectfully submitted,

FRANK J. KELLEY  
Attorney General

Gerald F. Young /s/

Gerald F. Young  
Paul J. Zimmer  
Assistant Attorneys General  
Attorneys for Defendants Runkel,  
et al

750 Law Building  
525 West Ottawa Street  
Lansing, MI 48913

#### **Additional and Affirmative Defenses**

NOW COME defendants Phillip Runkel, Superintendent of Public Instruction of the State of Michigan, State Board of Education of the State of Michigan, and Loren E. Monroe, State Treasurer of the State of Michigan, sometimes referred to herein as defendants Runkel, et al, by their attorneys, Frank J. Kelley, Attorney General of the State of Michigan, and Gerald F. Young and Paul J. Zimmer, Assistant Attorneys General and for their Additional and Affirmative Defenses, allege and say:

1. That plaintiffs' Complaint either in whole or in part, fails to state a claim upon which relief can be granted.
2. That some or all of the plaintiffs involved herein, do not or may not have standing to assert the claims now made respecting these defendants.
3. That these defendants reserve the right to plead other and additional affirmative defenses pending the conclusion of its discovery proceedings.

Dated: January 7, 1981

#### **ANSWER OF INTERVENOR DEFENDANTS GARCIA-AGUILAR, ET AL**

Filed March 3, 1981

[Caption Omitted in Printing]

#### **I. Jurisdiction**

1. Intervenor Defendants lack sufficient information to form a belief as to the truth of the allegations contained in

paragraph 1 of Plaintiffs' Complaint and leave Plaintiffs to their proofs.

2. The allegations contained in paragraph 2 of Plaintiffs' Complaint are conclusions of law requiring no answer.

3. Intervenor Defendants lack sufficient information to form a belief as to the truth of the allegations contained in paragraph 3 of Plaintiffs' Complaint and leave Plaintiffs to their proofs.

## **II. Plaintiffs**

4. Intervenor Defendants lack sufficient information to form a belief as to the truth of the allegations contained in paragraph 4 of Plaintiffs' Complaint and leave Plaintiffs to their proofs.

5. Intervenor Defendants lack sufficient information to form a belief as to the truth of the allegations contained in paragraph 5 of Plaintiffs' Complaint and leave Plaintiffs to their proofs.

## **III. Defendants**

6. The allegations contained in Paragraph 6 do not pertain to Intervenor Defendants and require no answer.

7. The allegations contained in Paragraph 7 do not pertain to Intervenor Defendants and require no answer.

8. The allegations contained in Paragraph 8 do not pertain to Intervenor Defendants and require no answer.

9. The allegations contained in Paragraph 9 do not pertain to Intervenor Defendants and require no answer.

## **IV. Factual Allegations**

10. The allegations contained in Paragraph 10 do not pertain to Intervenor Defendants and require no answer.

11. Intervenor Defendants lack personal knowledge and information as to the allegations contained in Paragraph 11 sufficient to form a belief as to the truth thereof except that Student Intervenors do attend public school classes conducted by public school teachers in classrooms located in their respective non-public schools of attendance.

12. Intervenor Defendants lack sufficient information to form a belief as to the truth of the allegations in paragraph 12 and leave Plaintiffs to their proofs.

13. The allegations contained in Paragraph 13 are denied by Intervenor Defendants.

14. The allegations contained in Paragraph 14 are denied by Intervenor Defendants.

15. Intervenor Defendants Runkel admit that many of the non-public schools involved with the School District in the lease program are church-owned or religiously affiliated; regarding any remaining allegations, Intervenor Defendants neither admit nor deny same having insufficient information upon which to form a belief with respect thereto, leaving Plaintiffs to their proofs. Intervenor Defendants, however, deny that the non-public schools are segregated according to religion.

16. Intervenor Defendants admit that some non-public schools involved in the lease program are operated by boards composed of parents and others, however, as to the remaining

allegations contained within paragraph 16, the same are denied.

17. Intervenor Defendants deny the allegations contained within paragraph 17 of Plaintiffs' Complaint for the reason that said allegations are not true and that the "services" referred to are educational courses provided to Intervenor Students and others of like circumstances to assist them in overcoming personal educational handicaps and to meet their individual secular educational needs thereby providing a significant secular educational benefit to each child in attendance at such public school classes.

18. The allegations contained in paragraph 18 do not pertain to Intervenor Defendants and require no answer.

19. The allegations contained in paragraph 19 do not pertain to Intervenor Defendants and require no answer. Intervenor Defendants deny Plaintiffs' erroneous conclusion of law that the provision by the School District of secular educational classes to Intervenor Students, who are residents and children of resident taxpayers and citizens, constitutes a violation of the Constitution.

20. Intervenor Defendants are without sufficient information to form a belief as to the truth of the allegations contained in paragraph 20 and leave Plaintiffs to their proofs.

21. Intervenor Defendants lack sufficient information to form a belief as to the truth of the allegations contained in paragraph 21 of Plaintiffs' Complaint and leave Plaintiffs to their proofs.

22. Intervenor Defendants lack sufficient information to form a belief as to the truth of the allegations contained in paragraph 22 of Plaintiffs' Complaint and leave Plaintiffs to their proofs.

#### V. Causes of Action

23. Intervenor Defendants admit that the United States District Court for the Western District of Michigan rendered a decision in the case cited by Plaintiff, however, Intervenor Defendants, on information and belief, deny that the program herein at issue is "identical" with the program operated by the Traverse City School District.

24. Intervenor Defendants deny the factual allegations and erroneous conclusions of law contained in paragraph 24 of Plaintiffs' Complaint.

25. Intervenor Defendants deny the factual allegations and erroneous conclusions of law contained in paragraph 25 of Plaintiffs' Complaint.

26. Intervenor Defendants lack sufficient knowledge to form a belief as to the truth of the allegations contained within paragraph 26 of Plaintiffs' Complaint and leave Plaintiffs to their proofs thereon.

27. Intervenor Defendants neither admit nor deny the allegations contained within paragraph 27 of Plaintiffs' Complaint for lack of knowledge or information sufficient to form a belief with respect thereto, leaving Plaintiffs to their proofs.

#### VI. Prayers For Relief

WHEREFORE, Intervenor Defendants deny that Plaintiffs are entitled to a Judgment or Injunction of any kind and request this Court to dismiss Plaintiffs' Complaint for failure to state a claim upon which relief can be granted.

**First Defense**

28. The Complaint fails to state a claim upon which relief can be granted.

**Second Defense**

29. Granting of the relief prayed for by Plaintiffs would deprive the Student Intervenors of their right to attend a public educational facility in which to comply with the compulsory attendance laws and in which to receive education to which a citizen is entitled. These deprivations would deny to the Student Intervenors due process of law contrary to the requirements of the Fourteenth Amendment to the Constitution of the United States.

**Third Defense**

30. Granting of the relief prayed for by the Plaintiff would arbitrarily classify the Student Intervenors, so as to deny them their fundamental right to receive an education, contrary to the requirements of the Equal Protection Clause of the Constitution of the United States.

**Fourth Defense**

31. Granting of the relief prayed for by the Plaintiffs would deprive the Parent Intervenors of their right to have their children attend a public educational facility for the support of which the Parent Intervenors have paid school taxes and which their children, the Student Intervenors herein, attend by permission of the public school district. Such a deprivation would constitute a denial to the Parent Intervenors of due process of law contrary to the requirements of the Fourteenth Amendment to the Constitution of the United States.

**Fifth Defense**

32. Granting of the relief prayed for by the Plaintiffs would constitute a decision by this Court that the public is disabled to lease premises for solely secular uses, and without religious entanglements, in fulfillment of public needs solely on the ground that the lessor is a religious entity. Thus would be created a standard whereby the state would, in each case, be required to disregard the fact that a facility was in all respects secular and without religious entangling relationships and instead inquire into the religious nature and activity of the lessor, or the degree thereof. This would impose a religious standard upon public transactions violative of the Establishment Clause of the First Amendment to the Constitution of the United States.

**Sixth Defense**

33. Granting of the relief prayed for by the Plaintiffs would deny the Student Intervenors the public benefit to which they are entitled of part-time education in a public school solely on the ground that they have part-time attendance at a religious school. Thus such relief would place a direct and unconstitutional burden upon the religious liberty of such children contrary to the prohibition of the Free Exercise Clause of the First Amendment to the Constitution of the United States.

WHEREFORE, the Intervenor Defendants pray the Court to dismiss the Complaint and to enter Judgment in favor of all Defendants.

Dated: March 3, 1981.

**STIPULATION REMOVING CONSIDERATION  
OF GRPS TITLE I PROGRAMMING**

Filed June 10, 1981

[Caption Omitted in Printing]

IT IS HEREBY STIPULATED by and between the parties of record, through their respective attorneys, that the scope of the instant litigation does not include any claim by plaintiffs which challenges the constitutionality of the Title I Program of the Board of Education of the Grand Rapids Public Schools under the Elementary and Secondary Education Act of 1965.

**DILLEY & DILLEY**

By Albert R. Dilley /s/

Albert R. Dilley (P12777)  
Attorneys for Plaintiffs  
545 Old Kent Building  
Grand Rapids, MI 49503

Dated: June 3, 1981

**BAXTER & HAMMOND**

By William S. Farr /s/

William S. Farr (P13306)  
Attorneys for Grand Rapids Board  
of Education  
200 Oldtown Riverfront Building  
248 Louis, N.W.  
Grand Rapids, MI 49503

Dated: June 2, 1981

**HUBBELL, BLAKESLEE &  
HOULIHAN**

By Stuart D. Hubbell /s/

Stuart D. Hubbell (P15204)  
Attorneys for Party Intervenors  
P. O. Box 707  
Traverse City, MI 49684

Dated: June 2, 1981

By Gerald F. Young /s/

Dated: June 2, 1981

Gerald F. Young (P22640)  
Attorney for State Defendants  
750 Law Building  
Lansing, MI 48913

**ORDER**

Upon reading and considering the above Stipulation and Order Removing From the Instant Proceedings any Consideration of Defendant Board of Education of the Grand Rapids Public Schools' Title I Program Under the Elementary and Secondary Education Act of 1965, and the Court having been otherwise fully advised in the premises, NOW, THEREFORE,

IT IS HEREBY ORDERED, adjudged and decreed that the scope of the instant litigation does not include any claim by plaintiffs which challenges the constitutionality of the Title I Program of the Board of Education and the Grand Rapids Public Schools under the Elementary and Secondary Education Act of 1965.

/s/  
Benjamin F. Gibson

**OPINION OF U.S. DISTRICT COURT  
DENYING PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION AND MOTION  
FOR SUMMARY JUDGMENT**

Filed September 2, 1981

[Caption Omitted in Printing]

This case involves a challenge under the Establishment Clause of the First Amendment of the United States Constitution to the constitutionality of a "shared time" instructional program. The program provides non-public school students with certain classes under the auspices of the public school district in leased classrooms located in non-public schools. The instruction is in "supplementary" as opposed to "core" subjects, and includes, e.g., remedial and enrichment classes, driver education, art, music, physical education, and environmental education. Over 10,000 students now participate in the program, which has existed since 1975 and presently employs some 472 teachers on a budget of approximately \$2.5 million.

Plaintiffs are individual Michigan taxpayers who are voters registered in the City of Grand Rapids, and an association whose members include Michigan residents and whose organizational objective is to defend, maintain, and promote the constitutional principle of separation of church and state. Plaintiffs have moved for a preliminary injunction and for summary judgment.

**PRELIMINARY INJUNCTION**

The criteria to be considered upon a party's application for an injunction are well-established: (1) the strong or substantial likelihood or probability of success on the merits,

(2) the irreparable nature of the harm to the party seeking injunctive relief, (3) whether an injunction would cause substantial harm to others, and (4) the impact of the ruling on the public interest. *E.g., Roth v. Bank of the Commonwealth*, 583 F.2d 527 (6th Cir. 1978), *cert. dismissed*, 442 U.S. 925 (1979). In this case the equities weigh against the issuance of a preliminary injunction.

It is not at all clear that plaintiffs are substantially likely to prevail on the merits. Although plaintiffs contend that *Americans United for Separation of Church and State v. Porter*, 485 F. Supp. 432 (W.D. Mich. 1980), is controlling precedent, defendants have presented sufficiently meritorious arguments that this case is factually distinguishable to diminish any strong probability of success emanating from the *Porter* decision. Moreover, a unanimous three-judge panel opinion issued since *Porter* suggests additional doubts about plaintiffs' probability of success on the merits. In *National Coalition for Public Education and Religious Liberty v. Harris*, 489 F. Supp. 1248 (S.D.N.Y. 1980), *appeal dismissed*, 101 S.Ct. 55 (1980), *rehearing denied*, 101 S.Ct. 601 (1980), the provision of secular instruction by public school teachers to non-public school students on the premises of non-public schools, pursuant to Title I of the Elementary and Secondary Education Act of 1965, was sustained against attack under the Establishment Clause. It also should be noted that the Michigan courts have directly upheld substantially similar programs even when measured against both the First Amendment and Michigan's more specific constitutional bans on governmental aid to religious schools. *Traverse City School District v. Attorney General*, 384 Mich. 390, 185 N.W.2d 9 (1971); *Citizens to Advance Public Education v. State Superintendent of Public Instruction*, 65 Mich. App. 168, 237 N.W.2d 232 (1975), *leave denied*, 397 Mich. 854 (1975). Under these circumstances, plaintiffs have not established a strong likelihood of success on the merits.

The only harm plaintiffs will suffer from a continuation of the "shared time" program is the allegedly improper use of a portion of their tax contributions. The continuation of the program will not cost them additional taxes. If they succeed on the merits, the principle they wish to establish will ultimately be upheld. On the other hand, an injunction at this stage, far from preserving the status quo, will disrupt defendants' administration of an educational program at a time when teachers and pupils have been assigned and the beginning of the academic year is only days away. The real harm would be suffered by the children who would be deprived of significant, and in some cases critical, educational services such as specialized remedial instruction for students with reading disabilities.

While the continued vitality of a constitutional principle is obviously in the public interest, this Court cannot ignore the public interest in maintaining the quality education that a community has chosen to provide for its youth. The balance of hardships dictates a denial of the preliminary injunction here as clearly as it did in *National Coalition for Public Education and Religious Liberty v. Califano*, 446 F. Supp. 193, 195 (S.D.N.Y. 1978):

Moreover, if the absence of irreparable harm to these plaintiffs is compared to the hardship which an injunction would cause to the defendants in this case, the inappropriateness of a preliminary injunction becomes even clearer. In New York City alone, Title I funds to be expended for the current academic year (1977-78) amount to more than \$10,000,000; services are being provided to over 13,000 pupils through the employment of more than 400 persons. . . . To halt this program in the middle of an academic year, at a time which can only be deemed arbitrary in light of the history of this litigation, would be to work an unwarranted hardship on these de-

fendants. Such relief would also harm the public interest in the continuity of educational programs, a factor which must also be weighed by this Court. . . . Accordingly, the plaintiffs' request for a preliminary injunction is denied. (citations omitted)

#### SUMMARY JUDGMENT

Under Fed. R. Civ. P. 56(c), summary judgment is appropriate only when "there is no genuine issue as to any material fact." In this type of constitutional challenge, this Court takes guidance from the discussion by the Sixth Circuit Court of Appeals in *Felix v. Young*, 536 F.2d 1126, 1135 (6th Cir. 1976):

As we have stated on many occasions, without an adequate factual basis on the record, a District Court should be extremely hesitant to grant summary judgment on important and complex issues. The adequacy of the record is particularly important where the court is called on to decide questions of constitutional law without benefit of a trial. (citations omitted)

This Court is further aware of the Supreme Court's treatment of this type of issue in *Wheeler v. Barrera*, 417 U.S. 402, 426-27 (1975):

The task of deciding when the Establishment Clause is implicated in the context of parochial school aid has proved to be a delicate one for the Court. Usually it requires a careful evaluation of the facts of the particular case. It would be wholly inappropriate for us to attempt to render an opinion on the First Amendment issue when no specific plan is before us. A federal court does not sit to render a decision on hypothetical facts. . . . (citations omitted)

This Court finds that the factual record is presently inadequate and that there are questions of fact to be resolved in this case. These include whether the Grand Rapids program is "identical" in all relevant respects to that of Traverse City in the *Porter* case; which, if any, of the 43 institutions involved here fit within the profile of a "pervasively sectarian school"; who makes decisions about where and when classes will be offered and who will be allowed to take them; and who supervises the personnel of this program in their various functions.

Accordingly, plaintiffs' motions for a preliminary injunction and for summary judgment are denied. However, in denying plaintiffs' motions, the Court does not decide that the constitutional challenge to the "shared time" instructional program is without merit. Rather, the Court merely determines that it is inappropriate to make this decision at this time without the benefit of a trial and consideration of all relevant facts.

IT IS SO ORDERED.

Benjamin F. Gibson /s/  
BENJAMIN F. GIBSON  
UNITED STATES  
DISTRICT JUDGE

Dated: September 2, 1981

**ORDER DENYING PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION AND MOTION FOR  
SUMMARY JUDGMENT**

Filed September 2, 1981

[Caption Omitted in Printing]

In accordance with the attached Opinion dated September

2, 1981, IT IS HEREBY ORDERED that plaintiffs' motions for a preliminary injunction and for summary judgment be denied.

IT IS SO ORDERED.

Benjamin F. Gibson /s/  
BENJAMIN F. GIBSON  
UNITED STATES  
DISTRICT JUDGE

**ORDER OF U.S. DISTRICT COURT  
DISMISSING AMERICANS  
UNITED FOR SEPARATION OF CHURCH  
AND STATE AS PARTY PLAINTIFF**

Filed August 16, 1982

[Caption Omitted in Printing]

**ORDER**

In accordance with this Court's Memorandum Opinion of even date;

IT IS HEREBY ORDERED AND ADJUDGED that Americans United for Separation of Church and State are dismissed as Plaintiff from the above captioned matter.

Richard A. Enslen /s/  
RICHARD A. ENSLEN  
US District Judge

DATED: August 16, 1982

**RULE 41(b) JUDGMENT PARTIALLY  
DISMISSING ACTION**

Filed August 19, 1982

[Caption Omitted in Printing]

The issues in the above-entitled action having been regularly brought on for trial at the May term of this Court, and the parties having duly appeared by their respective attorneys and the allegations and proofs of the plaintiffs having been heard in support of plaintiffs' contentions, and the defendants having jointly made a Rule 41(b) Motion to Dismiss at the conclusion of plaintiffs' case regarding the Downproofing, Outdoor Education, and Driver's Education programs, and due deliberation having been had, and the Court having directed a judgment in favor of the defendants with respect to such programs, it is hereby:

ORDERED, ADJUDGED AND DECREED that plaintiffs' claims with respect to the defendant Board of Education's Outdoor Education, Downproofing, and Driver's Education programs be, and the same are hereby dismissed, with full prejudice.

Richard A. Enslen /s/  
Richard A. Enslen

**NOTICE OF APPEAL**

Filed August 19, 1983

[Caption Omitted in Printing]

NOTICE IS HEREBY given that defendant, School District of the City of Grand Rapids, a municipal corporation, hereby appeals to the United States Court of Appeals for the

Sixth Circuit from the Final Judgment entered in this action on August 16, 1982, except that no appeal is taken from such judgment on the merits to the extent it prohibits physical education and industrial arts shared time classes at the secondary level and community education classes at the secondary level.

**BAXTER & HAMMOND**  
Attorneys for Defendant Board  
of Education of the Grand  
Rapids Public Schools

DATED: August 18, 1982

By William S. Farr /s/  
William S. Farr (P13306)

By John R. Oostema  
John R. Oostema (P26891)

Business Address:  
200 Oldtown Riverfront Bldg.  
248 Louis Street, N.W.  
Grand Rapids, MI 49503

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**STATE DEFENDANTS' EXHIBIT**

State Defendants Ex A	Sworn Offer of Proof of Robert Hornberger, Supervisor of State Aid Distribution
-----------------------	---

**PLAINTIFFS' EXHIBITS**

- 1 St. Adalbert School—Guidelines for Parents
- 2 St. Jude School—Parent Handbook
- 3 Marywood Academy brochure
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMERICANS UNITED FOR  
SEPARATION OF CHURCH  
AND STATE, et al,

Plaintiffs,

v

SCHOOL DISTRICT OF THE  
CITY OF GRAND RAPIDS, et al,  
Defendants.

No. G 80-517

Excerpts from the Sworn Offer of Proof of David J. Bailey,  
Assistant Superintendent of Personnel:

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools as Assistant Superintendent of Personnel. I am a resident of the City of Grand Rapids, State of Michigan.

\* \* \*

9. In general, the Board of Education has a uniform hiring procedure which it follows regarding the employment of all teachers. As such, the description of the hiring procedure to follow applies equally to teachers who provide services in the Shared Time program. Except as noted, there is absolutely no difference in the procedure which applies. Also, it must be remembered that the details involved in the hiring procedure depend upon the type of employee being employed, that is, whether or not the employee is a hourly as opposed to a contracted, full-time employee. With respect to the former category, of course, the hiring procedure is much less detailed.

10. After being advised concerning the availability of a teaching position, Mr. Richard Carlson, the Director of Personnel, who is directly responsible to myself as his Administrative Supervisor, first examines the "lay-off" list in order to determine whether there are any eligible individuals on that list who could fill the position available. Of course, if qualified and eligible teachers can be found on this list, our office is required to then assign that person to such opening. If there are no individuals available on that level, we then review a list of interviewees which are kept on file with the Board. If a review of the list of interviewees does not enable us to satisfactorily fill the position available, we then go through a list of applicants kept on file with the board. Generally, in connection with the elimination process set forth above, Mr. Carlson will often contact the school principal where the vacancy exists in order to receive any input or recommendations which he/she might have with respect to the proposed hiring. If he/she does, those individuals will also be considered as part of the hiring process. We then go through a screening process in which the prospective teachers are again comparatively reviewed in terms of their credentials, resumes, recommendations and the like. Then a formal interview is normally held by the Personnel Department, often attended by subject area supervisors if the available position involves the teaching services of a consultant or specialist, such as physical education, music, art, reading, math, etc. After this process has been completed, Mr. Carlson will then make a recommendation to myself and it is my responsibility to submit my recommendation concerning hiring to the Board for its deliberation, consideration and action. If the Board votes favorably on my recommendation, that individual is then specifically hired to fill the available position which initiated the hiring process outlined above.

11. The hiring process involved in the shared time situation does not in anyway differ from the hiring procedure

outlined above with the exception that during the interview process, special emphasis is placed upon the status of that individual as a public school employee, and all of the duties, responsibilities and obligations that entails.

12. The purpose to be achieved by and through the procedures set forth above is to provide to our students the best possible teachers for the positions available. Excellence is and always has been our goal.

13. We never inquire of any teacher regarding that teacher's religious affiliation, if any, inasmuch as we feel that such inquiry has nothing to do with the qualifying factors which we consider important in evaluating prospective teachers. Our goal of excellence can be achieved without any reference or consideration of the question of religious affiliation.

14. Following hiring, my department, that is, the Personnel Department, is then responsible for the supervision of the Progressive Evaluation Program (PEP) which is used by the district to continually review the quality of the education being provided by its teachers. Under that program, all probationary teachers during their first two years of employment with the board are evaluated each year. Beyond that, following tenure, such teachers are reviewed once every three years beginning with the first tenured year. Other than in the specialists and consultants fields, the evaluation process is carried out by the school principal who then directly reports to the Personnel Department. Insofar as the Shared Time program is concerned, in light of the fact that the teachers involved in that program are all specialists and/or consultants, the specific evaluation process is implemented by the subject area supervisors, who are then required to submit a written evaluation to the Personnel Department for subsequent handling. Generally speaking, each year, we provide each subject area supervisor with a list of the teachers

who must be evaluated during the upcoming school year together with a proposed calendar when such evaluations should be turned in to the Personnel Department. Once that evaluation has been received, if satisfactory, it will be simply placed within the permanent personnel record of that teacher. If, on the other hand, the evaluation is unsatisfactory and termination or other action is recommended, our office then goes through a three-step process which begins with an initial meeting between Mr. Richard Carlson and the teacher, to discuss the evaluation. Following that meeting, which allows the teacher an opportunity to explain or rebut the information set forth in the evaluation, Mr. Carlson then makes a recommendation to myself for further handling. Although Mr. Carlson has many options available to him, and not all unsatisfactory evaluations necessarily proceed to the second step, if they do, the next step in the process would require a meeting between the teacher and myself. I then would be required to similarly make a recommendation regarding the further handling of that teacher to the Superintendent of Schools, Dr. John Dow. If necessary, the matter may proceed to the third and final step through recommendations to the Board for termination through the tenure process.

15. The evaluation and termination procedure apply district-wide, and therefore necessarily apply with the equal force to shared time teachers. Of course, in the event termination is the end result, that termination must be voted upon by the Board of Education of the Grand Rapids Public Schools, based upon the recommendation of its staff.

16. Then finally, the Personnel Department is also responsible for the "lay-off" and "recall" procedure which, as was true with respect to the other matters set forth above, applies with equal force to shared time teachers. Teachers of the district are laid off and recalled on a seniority basis.

17. It can be stated, in summary, without hesitation, that the operation in my department with respect to any personnel-related matters is not in anyway affected by the status of the teacher as a shared time teacher. All of the personnel policies and procedures are consistent and uniform throughout.

[Jurat and Signature omitted in printing]

**Excerpts from the Sworn Offer of Proof of Elisabeth Rowlands, Supervisor of Reading:**

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools as Supervisor of Reading, K-12, in charge of Reading programs at the elementary, middle school and senior high levels. I reside at 665 Walsh, S.E., County of Kent, State of Michigan.

\* \* \*

8. Since 1979 my responsibilities as Supervisor of Reading have been expanded to include the Reading portion of the Shared Time program.

9. In the Fall of 1978, a pilot remedial reading project began on premises leased by the GRPS as public school classrooms in five nonpublic schools. This program was managed by Community Education (administratively) with the supervision of content of curriculum, materials and teaching staff being the responsibility of the Supervisor of Reading.

10. Since that time the Shared Time Reading Program has been enlarged by the GRPS to meet the needs of more students by leasing premises as public school classrooms, at twenty-five (25) nonpublic schools. As Supervisor, I am responsible for supervising curriculum content, materials and staff.

11. As Supervisor of Reading, I have delegated some of the responsibilities for the Shared Time Reading Program to Ms. Elsa Geskus, a math consultant with reading training, with the Grand Rapids Public Schools as my assistant. She coordinates the day-to-day functions of the program such as in-service training, scheduling meetings, ordering materials, and in-servicing teachers on specific teaching techniques. In-service opportunities for teachers during the 1980-81 and 1981-82 school years have included those matters noted in Exhibit 1, attached, which is incorporated herein by reference as though fully set forth.

The above in-services are in addition to the monthly staff meetings and in-services held for all Grand Rapids Public Schools reading personnel. The Monday staff meetings involve procedural and administrative matters; the Friday in-services provide increased knowledge of teaching techniques, curriculum development, and awareness of new programs and/or materials.

12. Prospective reading teachers are interviewed by the Supervisor of Reading to ascertain their training and preparation as well as experience level. Reading teachers must have a minimum of three years of successful classroom teaching and a minimum (or the equivalent) of 12 semester hours in graduate course work in reading as recommended by the State of Michigan.

These requirements are the same whether the candidate is being considered for an assignment on premises owned or leased by the GRPS, or both. If the candidate has the training and experience, the Supervisor of Reading recommends to the Director of the Shared Time Program and the Personnel Director (Mr. Richard Carlson) that the person be hired.

13. During the interview process, the responsibilities of reading personnel are discussed. The Shared Time program is presented as:

1. A Grand Rapids Public Schools program based upon Grand Rapids Public Schools curriculum for reading.
2. A support service to compliment the reading instruction provided by classroom teachers.
3. A self-contained program funded by the Grand Rapids Public Schools on leased Grand Rapids Public Schools property.
4. As any employee of the Grand Rapids Public Schools, reading personnel are under the supervision of the Supervisor of Reading.

Careful attention is given to discussing the functioning of the reading person in relation to procedures for

1. identifying students who will receive services;
2. scheduling classes;
3. ordering materials;
4. providing services;
5. attending in-services/meetings.

If at all possible, the Director of Shared Time sometimes attends such interviews to discuss contractual areas such as payroll, fringe benefits, record keeping responsibilities and the like.

These guidelines are reviewed at staff meetings as the need arises, as noted in the attachd Exhibit 1.

14. The Reading program is designed to provide support services to students in addition to the reading instruction provided by classroom teachers. Underlying the three types of services provided is the Grand Rapids Public Schools Reading Performance Objectives, which is attached and marked as Exhibit #2, which Exhibit is incorporated herein by reference.

There are three types of services offered:

1. *Remedial*: for students reading below grade level. Diagnostic tests are administered to ascertain skill deficiencies. Once skill deficiencies are identified, materials are purchased, developed, or borrowed from the Reading Department or Instructional Media Center of the Grand Rapids Public Schools to assist teachers in providing specific skill instruction. Students who make sufficient progress are dismissed when the time is appropriate and other students are identified to begin reading services.
2. *Developmental*: for students reading on or about grade level who demonstrate difficulty in mastering new concepts/skills or who need more opportunities for instruction/practice to master skills. As above, diagnostic testing is administered by the shared time reading teacher to identify areas of need. Once these areas are identified, materials are secured through the channels noted above, and instruction begins.
3. *Enrichment*: for students reading above grade level who demonstrate the potential for increased achievement. As a support system, the objectives are to chal-

lence the excellent reader in such areas as vocabulary study, literature discussion groups, advanced study skills, newspapers/magazine reading, and library/reference work skills. Units of study are developed and/or commercial materials are secured to assist the teacher in providing enrichment experiences.

15. The Reading program follows the reading objectives of the Grand Rapids Public Schools and uses the wide variety of supplementary materials found in the public schools to accomplish these objectives. As in the public schools, the reading teachers in nonpublic schools do not utilize the building reading program to provide for students' needs. Supplementary materials are purchased or secured on loan from Grand Rapids Public Schools sources such as the Reading Department, the Instructional Media Center, the Grand Rapids Library System and Kent Intermediate School District.

16. Materials purchased for the program are requested by the individual reading teachers. Purchase requisitions are submitted to Elsa Geskus. (If the material is unknown to her, specimen sets are secured for review.) If the materials are judged to be satisfactory for use in the stated area of need, the purchase requisitions are processed. All materials are delivered to the Reading Department Office at Congress School, and then forwarded to the teacher.

An inventory of all materials purchased is on file at the Congress School Reading Office and/or Ms. Geskus' office.

17. Children considered eligible for reading support services are identified by classroom teachers and building administrators. These names are given to the Shared Time reading teacher. If, after diagnostic testing is completed, the children are, in fact, eligible, schedules are established. Scheduling is

done to compliment the schedule of the non-Grand Rapids Public Schools program; children are not removed from reading class to receive reading support services. If there are any problems in establishing the schedule, the teacher turns to either Ms. Geskus or myself for suggestions and/or assistance.

18. The entire program in reading is designed to benefit students and to compliment their academic successes.

19. Full-time Shared Time reading teachers are supervised by myself as Supervisor of Reading. When visiting Shared Time reading teachers, I observe a minimum of one complete class session. Following the visitation, an informal conference is held with the teacher to discuss areas of strength and weakness as observed. Appropriate suggestions are made to assist the teacher in strengthening the program. Thereafter, a written evaluation is prepared and forwarded to the Personnel Department.

20. During the supervisory visits, I usually contact the appropriate administrator of the nonpublic school to advise of my visit and to make myself available for discussions regarding the program.

21. I am unaware of any attempts on the part of the non-public authorities to supervise the Shared Time reading staff. Similarly, I am unaware of any attempts on behalf of the nonpublic staff or administration to try to religiously influence the Shared Time reading teachers as individuals or as teachers, either in terms of teaching strategies or content.

22. Contacts with the nonpublic personnel, both administrators and classroom teachers, are very brief and informal. As noted in paragraph 19, I routinely "check in" at the school office when visiting to apprise them of my presence and whom I will be visiting. Occasionally I have chatted wth the prin-

cipal momentarily if time permitted, but none of my conversations have ever involved religious topics. Often the principal will comment on what a fine service we are providing and what a nice person the reading teacher is! I know of no instance where the nonpublic administrator has attempted to exercise supervisory control over the Shared Time reading personnel or to exert religious influence or pressure.

23. Communication between classroom teachers at the Shared Time schools and myself is nonexistent for all practical purposes. I have encouraged the Shared Time teachers to build a professional rapport with the classroom teachers as the exchange of information is vital to assuring continuity of instruction for students receiving support services. It is important that classroom teachers are aware of the successes and failures of students in acquiring reading skills. To my knowledge, all communications have pertained to the academic (reading) needs of students and have not involved religious matters or concerns.

24. Shared Time reading classes are conducted in space leased by the Grand Rapids Public Schools. Signs explaining the lease and purpose of the lease are prominently displayed in the reading room. Religious symbols have been removed. When, on one occasion, a religious symbol was observed, I talked with the teacher and the principal to rectify the matter. Without hesitation on anyone's part, the matter was quickly resolved and the symbol was removed.

25. At no time have I, as Supervisor of Reading, experienced any religious pressure or influence being directed toward myself, the Shared Time reading staff, or the reading program. My experiences have been positive; the nonpublic school administrators have been most complimentary of the

services provided. Whatever religious atmosphere exists has not affected our reading program or personnel.

[Jurat and signature omitted in printing]

**Excerpts from the Sworn Offer of Proof of  
Margaret Kroon, Reading Teacher:**

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools, teaching reading to students in grades 2 through 8, on premises leased by the GRPS as public school classrooms, at Holy Spirit (a nonpublic school), and to students in grades K through 6 at Riverside Elementary (a public school).

\* \* \*

4. I am caucasian and have been a Catholic for the past three years.

\* \* \*

7. I have been teaching in the Shared Time program of the Grand Rapids Public Schools since September 1981 teaching remedial and developmental reading at Holy Spirit, working with students in grades 2 through 8 and at Riverside Elementary, working with students in grades K through 6.

8. I was assigned to the Shared Time program this year by my supervisor, Betty Ann Rowlands. Placement in a nonpublic school did not cause me any concern. So far as I am aware, the nonpublic school administrators had absolutely nothing to do with my assignment.

9. At our initial meeting in the Fall with Elsa Geskus and John Young, we (the Grand Rapids Public Schools Shared

Time reading teachers) were given a written list of instructions. Among other things, those instructions indicated that religious articles were to be taken out of the classroom and we were to carry a sign and put that sign up when we do our presentations in the classrooms. I understand that my supervisor is Betty Ann Rowlands who supervises reading. Elsa Geskus is the person who coordinates shared time math and reading. John Young is Elsa's supervisor. I go to Elsa with requests for materials and supplies but Betty Ann is my supervisor.

10. I have no materials that belong to Holy Spirit. All of the materials that I use are Grand Rapids Public Schools property.

11. I have always understood that I should conduct myself as a public school employee, and all that entails. I teach using the Grand Rapids Public Schools Curriculum Guide, using Grand Rapids Public Schools materials and supplies.

12. When I was assigned to teach on leased premises at Holy Spirit, I had to spend a considerable period of time testing and evaluating the children which were suggested as being eligible for my teaching services, in order to pinpoint their academic needs. I understand that my role is that of a reading instructor, which is different from the role which the regular classroom teacher must play in connection with the teaching of a base program in reading. My services are not at all designed to serve as a base program for reading, but rather to serve as a supplement to meet specific educational needs so that students may more successfully learn the reading process. In addition to my independent testing, I also reviewed the existing test data which was available to assist me in the process of not only identifying students, and diagnosing their problems, but also in preparing and organizing a supplementary program which would effectively meet the

needs which I have identified. I am, so as far as I perceive the situation, the final authority concerning those who may participate in and receive my services as long as I follow Shared Time "numbers" guidelines. All of the students which I teach have a regular reading class as part of their base curriculum. The teaching services which I provide are truly supplementary.

13. When I first arrived at my assignment, I noticed that there were religious statues in my room, and accordingly, I requested that the school principal immediately remove those symbols, which she did.

14. Approximately 40% of the work which I do is remedial in nature, the balance being mostly developmental and/or enrichment. One of the criteria I used in selecting the children for the remedial reading class was the Iowa Basic, which was the test administered last year by Holy Spirit. I looked for children who have a two-year deficiency in a total reading battery with a scatter in scores. I looked primarily for a child, for example, who has a higher math score than reading score because it is my belief, from my training, that the math score is a better indicator of intelligence than the reading score. In addition, the following tests are usually given:

1. The Standard Reading Inventory — listening comprehension section.
2. Silvaroli Informal Inventory — graded word lists and oral paragraphs.
3. Phonics Inventory — which is used to identify elements in the language which a child fails to identify in spoken words.

4. Durrell Analysis of Reading Difficulty — visual memory of words, letter naming and producing sounds of the letters.
  5. Informal List of Writing the Alphabet
  6. Gray Standardized Oral Reading Paragraph.
  7. Wepman Auditory Discrimination Test
  8. Roswell-Chall Auditory Blending Test
15. I do discuss with the classroom teachers the students that I feel should receive modified Oston-Gellingham instruction. However, I have the final authority as to who is eligible for and included in the classes I teach. The first two or three weeks I spent at Holy Spirit was completely involved in testing. When I started my classes I was sure who I was going to work with.

16. In remedial reading, I work with 3rd, 4th, 5th, and 8th graders. Class size is generally 5 students per class.

17. An example of the type of student I see would be the type of student who has failed to develop the visual acuity necessary to distinguish the parts of a word correctly. To see, for example, letter positioning, to see fine differences like slid and slide. It may be this type of child that does not distinguish between "wh" and "sh" in a sound or a word. With most of my remedial students, their biggest problem concerns the process of organizing reading, writing and spelling into an integrated process. Children who may be able to read fluently may not be able to write or spell. To help remedy that situation, additional multisensory reinforcement in the teaching-learning process is required to improve their reading, writing and spelling abilities — a service which I provide as a specialist.

18. I have had informal contact with a majority of the parents of the students I work with. Many of the parents have come to meet me and seem very pleased with my services.
19. I see the basic function of the program as helping children to achieve, to their capacity, in reading.
20. The instruction I provide in no way serves as a substitute for the regular reading curriculum. As I perceive my role at the developmental level, my services represent an academic "shot in the arm". For the child needing true remedial help, these services are a necessity for success.
21. It is my understanding that the plaintiffs in this action have suggested or may suggest that an acceptable alternative to the present Shared Time program for nonpublic schools students would be to provide these shared time services at some location other than the nonpublic schools. The difficulty I perceive from an educational point of view as to bussing the children to another site, outside of the economic, is the time loss involved with the children. For example, a Holy Spirit child traveling to the Grand Rapids reading clinic would need to have an additional 45 minutes a day of travel time, so he would be missing an hour and one half of the school day.
22. None of the materials I utilize are owned by or received from the nonpublic schools. The materials I use are Grand Rapids Public School property and when not in use, kept locked in a file cabinet.
23. As far as I know, nonpublic school teachers or administrators have no input into my evaluation process as a teacher. My supervision and evaluation as a teacher is the responsibility of my Grand Rapids Public Schools supervisor.

The principal at Holy Spirit has never sat through any of my classes nor has she ever asked to sit through any of my classes.

24. There are no religious symbols or artifacts whatever in my reading room. I would not term the atmosphere at Holy Spirit as being religious, but rather, one which is more structured — and with greater academic demands. Assuming there were something called a religious atmosphere at Holy Spirit, it would not and does not in any way affect the substance of what I teach or how I teach it. Additionally, I have never felt any particular influence or pressure of a religious nature. I provide my services as I would to any reading student.

[Jurat and signature omitted in printing]

Excerpts from the Sworn Offer of Proof of  
Ethel Riptoe, Reading Teacher:

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools, teaching reading at Madison Elementary (a public school) and St. Francis (a non-public school).

\* \* \*

4. I am black and a member of the Baptist faith.

\* \* \*

8. This school year is actually the first year that I was ever assigned to teach, for a least a portion of my time, in any nonpublic school setting. This year I am teaching at

Madison Elementary (a public school) and St. Francis (a non-public school).

9. My assignment to St. Francis was simply that — an assignment. I did not request that particular assignment nor, to my knowledge, did the nonpublic school administration at St. Francis have anything to do with my appointment as a reading teacher either.

10. When I was assigned to the Shared Time program I was specifically instructed that I should behave and conduct myself as a public school employee at all times. I understand that I am to utilize the Grand Rapids Public School curriculum together with the necessary materials and supplies of the public schools which I find necessary in providing my teaching consultant services. I am also aware of the fact that the room in which I teach is supposed to be a designated (and it is) as a public school classroom. I am sensitive to the issue of religious symbols and have made sure that the room in which I teach is free of any and all religious symbolism. In fact, some of the reading consultant services which I provide are provided in a single room, designated as a public school reading room. The room is absolutely stripped of any religious symbols of any sort.

11. As a reading consultant, my function is to provide specialized instruction to students who can benefit from my services. I am a specialist and therefore offer to these students something which would not otherwise be available in their regular reading curriculum. I believe that each of the students which I teach have a regular reading class as part of their base curriculum over and above the services which I provide. My function is completely supplementary in nature.

12. All of the materials and supplies which I use are either purchased through or supplied by the Grand Rapids Public Schools. To my knowledge, no one at St. Francis has ever tried to use any of my materials or supplies.

13. As a matter of fact, I have very little contact with the nonpublic school administration or classroom teachers in light of the fact that I am only at St. Francis for a short period of time during which I have many things I must accomplish. I simply don't have time to have that much direct contact with the nonpublic school administrators and/or teachers.

14. Consequently, I have felt absolutely no religious pressure or influence of any type upon either me, or the services which I provide. For example, no one has ever tried to encourage me to incorporate religious matters into the subject that I teach, nor have I ever felt uncomfortable in the setting where I teach. My goals and function are the same — I teach children reading and enrichment.

15. I provide grades for all of the students which I teach and follow the Grand Rapids Public School Grading procedure in terms of communicating those grades to the students' parents.

16. I always have been and still am under the direct supervision and responsibility of Betty Ann Rowlands, the Supervisor of Reading. To my knowledge, the nonpublic school administrators have absolutely no input into the evaluation process which the Board of Education uses for its teachers.

[Jurat and signature omitted in printing]

**Excerpts from the Sworn Offer of Proof of  
William Oosse, Math Supervisor:**

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools as Supervisor of Mathematics and Science in charge of the Mathematics, Science, and Outdoor Education programs in grades K through 12, which includes Shared Time Mathematics and Outdoor Education.

\* \* \*

3. I am a caucasian and a member of the Christian Reformed faith.

\* \* \*

11. During the 1977-1978 school year, the supervision of Shared Time Outdoor Education was added to my responsibilities and continues to the present.

12. During the 1978-1979 school years, my duties were further enlarged to include the supervision of the Shared Time Mathematics program.

13. In my present position as Supervisor of Mathematics and Science, I am responsible for the supervision of K through 12 Mathematics, K through 12 Science, and K through 12 Outdoor Education. Duties in each of these areas include leading curriculum meetings, planning teacher in-service sessions, staff evaluations, scheduling of staff, as well as arranging outdoor education, and supervising the Shared Time Mathematics and Outdoor Education programs. Each year, my staff and I conduct staff evaluation sessions in methodology, record keeping, and familiarity with new materials.

14. Recently, a portion of my responsibilities with respect to the Shared Time Mathematics Program has been delegated, although still under my supervisory control, to Ms. Elsa Geskus.

15. Shared time teachers, like all public school teachers, are hired under the following procedure. The prospective teacher employee makes application through the Personnel Office. Qualified applicants are thereafter interviewed by the Personnel Department people and/or myself or the Mathematics Coordinator. Following the interview, the interviewer makes a recommendation, following which successful candidates are hired as openings occur.

16. With respect to the instruction process, Shared Time teachers are always given specific guidelines with respect to their conduct and work. These instructions include such things as:

1. Introduction to their supervisor (evaluator);
2. They are public school teachers and are expected to conduct themselves according to Grand Rapids Public Schools policy;
3. How to order supplies;
4. Items needed in Grand Rapids Public Schools personnel file;
5. Working hours, who to call in case of illness, and weekly schedule;
6. Maintenance of student attendance records (if applicable);

7. The schedule of in-service sessions;
8. Evaluation process and classroom visits by the supervisor;
9. The requirements of the public school curriculum both in remedial and enrichment mathematics;
10. How to inventory materials;
11. Pay dates and other public school calendar information;
12. That as a public school teacher, the room should be free of religious symbolism and discussion, and further, if religious questions occur, to avoid discussing them and to move on to the objectives required.
17. The Shared Time mathematics area concerns itself with enrichment and remedial mathematics.

Enrichment mathematics provides talented students with advanced work not otherwise available, or all students an occasional look at topics of interest, but not necessarily included in the core curriculum. Such topics would vary with each grade and could include geometry in elementary grades or algebra in grades 7 or 8.

Remedial mathematics provides students who are considerably behind grade level with concentrated work in basic skills. Small groups of students are pulled from one of their regular classes to work on such things as addition, subtraction, multiplication or division at a lower level than would be expected of children at level. These groups could meet once or more per week. It is anticipated that such remediation would allow students to more successfully participate in their regular classes.

The objectives in the enrichment classes are established by the Shared Time teacher and the Grand Rapids Public Schools Mathematics Coordinator to meet the needs of identified and eligible students.

The objectives of remedial mathematics program are spelled out in the Grand Rapids Public Schools Minimal Mathematics Objectives booklet and taught according to individual student needs or needs of small groups. Further details regarding the purpose and operation of the program can be obtained by making reference to Appendix H which is incorporated herein as though fully set forth.

The specific aim of the program, of course, is to identify and meet the educational needs of eligible children who can benefit from the types of instructions named above. This objective is achieved in part by focusing on low pupil/teacher ratio, as well as the concentration on basic skill objectives. The Shared Time Mathematics program is designed and intended to benefit children.

18. The Shared Time Mathematics program follows the curriculum of the Grand Rapids Public Schools and utilizes materials and equipment purchased and supplied by the public school district. Needed materials are supplied to the shared time classrooms as the teachers request it on the Grand Rapids Public Schools Supply Request or Purchase Requisition Forms. These forms are evaluated by the Mathematics Coordinator or me, and if judged appropriate, materials are ordered using budgeted funds. This is exactly the same procedure used in the public schools.

19. In the Shared Time Mathematics class, students are nominated by the building principal or classroom teacher for enrichment or remedial classes. The shared time teacher then goes over test scores and past histories to verify the eligibil-

ity of students as classes are formed. The shared time teacher, the Mathematics Coordinator, and the nonpublic principal establish a time schedule which meets the needs of the students, and the shared time teacher.

20. Shared time teachers are subject to the direct, immediate, and exclusive supervision of the Mathematics Coordinator or myself, as appropriate, as we periodically visit shared time classrooms to observe and evaluate shared time teachers. During the visit, we will typically take a seat in the rear of the room and observe the teacher's presentation, concerning ourselves with both content and methodology. Such visits are followed by discussions between the shared time teacher and the observer.

21. During supervisory visits, I usually contact the appropriate administrator of the nonpublic school to advise of my visit and make myself available for discussions regarding the program.

22. We do not permit the nonpublic administrators to supervise our employees. In fact, in the one instance where a nonpublic administrator did attempt to exercise supervisory control, the program was terminated.

23. Additionally, in-service training programs are periodically held to introduce my teachers to new teaching methods, new skills, or new course materials. Oral instructions are given or reviewed at many of these sessions, particularly as they relate to procedure, course content, record keeping, and other matters germane to shared time teachers.

24. As noted above, my contacts with the school authorities of the nonpublic schools are generally brief and casual in nature. It is my practice to go to the office of the nonpublic school that I am visiting in order to advise them of

my presence, and give me an opportunity to exchange pleasantries with the principal. Additionally, none of my communications with nonpublic school authorities have ever involved the discussion of any religious matters. I know of no instance in which a nonpublic school authority has attempted to subject any shared time teacher to religious pressure or influence.

25. I have no communication or contact with regular classroom teachers in the nonpublic schools which I visit. However, I am aware that the teachers I supervise do meet on occasion with regular classroom teachers in the nonpublic schools to exchange information about children enrolled in the Shared Time program. Such teacher-to-teacher communication is encouraged so the nonpublic teacher can gain a better understanding of the program, and the shared time teacher a better understanding of individual children. Such communications are expected to be completely professional, and to contain no mention of religious matters or concerns.

26. Shared Time programs are conducted in rooms leased to the Grand Rapids Public Schools. In some cases, rooms are used exclusively by the shared time teacher and those contain no religious symbols, to the best of my knowledge. In other cases, rooms are used incidentally or on a part-time basis.

In most of those cases, religious symbols are lacking. However, I do on occasion see religious symbols in rooms which may be visited once or twice a day. Teachers are specifically directed to ignore such and conduct the assigned lesson. Religious symbolism in Grand Rapids leased rooms is one area which I check during each visit.

27. I have experienced no religious influence or pressure as a supervisor in the Shared Time program for the Grand

Rapids Public Schools. In all of my contacts with religiously affiliated nonpublic schools, I have never felt my own religious precepts challenged or the manner in which I carry out my job questioned. Whatever religious atmosphere exists in such schools has never affected my work nor that of my subordinates. In fact, none of my shared time teachers have complained of any attempts on the part of nonpublic school authorities to impose religious pressures or influence on them, either in terms of their teaching practices, or course content.

[Jurat and signature omitted in printing]

**Excerpts from the Sworn Offer of Proof of  
Lorrie Dahlke, Math Teacher:**

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools, teaching Math at Sylvan Christian (on leased premises) and Reading at St. Isidore (on leased premises).

\* \* \*

4. I am a caucasian and a member of the Reformed faith.

\* \* \*

8. This year I am teaching math at Sylvan Christian, grade levels 2, 3 and 5, and reading at St. Isidore, grade levels K, 1, 2, 3, 6, and 7.

9. The fact that I have been assigned to teach math and reading in the nonpublic school setting has not caused me any particular concern. I enjoy teaching children regardless of their background or religious affiliation.

10. Upon my employment with the Board, I was specifically given an orientation regarding the guidelines which I should follow in teaching in the Shared Time program. I was told for example, that the rooms in which I teach should be free of religious symbolism and the like, and also that the rooms in which I teach should be clearly designated as public school classrooms. I also understand that I am a public school employee, and that I am to provide services in accordance with the Grand Rapids Public School curriculum, using Grand Rapids Public School supplies and materials, so labeled.

11. This year I am teaching both remedial and enrichment reading and math. The general process involved for student selection is that the classroom teacher recommends certain students which I thereafter reevaluate to determine their strengths and weaknesses, to better enable me to provide meaningful and productive educational services. I am the final authority on which students attend my classes. In fact, throughout my teaching I continuously monitor the progress of my students and if, for example, I find that a given student has progressed as a result of my efforts, on occasion I will send such student back to their regular classroom in order to make room for others who need my services. The remedial classes tend to be very small, five or six students in number. Enrichment classes tend to be somewhat larger, involving approximately 14 or 15 students. In the enrichment field, I focus upon the sharpening of advanced skills, over and above that which would otherwise be available in the regular reading or math curriculum of the non-public school. All of my students, in math or reading, have a regular math or reading curriculum over and above the teaching which I provide. My services are not meant to in any way serve as a substitute for the regular reading and math curriculum, but rather, as a supplement. I have received only favorable feedback from the nonpublic school teachers regarding the value of my services.

12. I do not keep any record of the religious affiliation of my students although I do keep very complete attendance records, which are kept in a record book supplied by the Board of Education. I grade my students utilizing the Board of Education procedure which has been adopted for shared time students.

13. In my opinion, from an educational point of view, the provision of the math and reading services which I provide are most effective if provided during the regular school hours on leased premises. To do otherwise would in my judgment, be too disruptive to the teaching and educational process. Time on task is important.

14. All of the supplies and materials which I utilize are appropriately labeled as Board of Education materials. I keep those materials in my classroom. In each of the nonpublic schools where I teach I have a specific room in which I provide all of my teaching services. To my knowledge, none of the supplies and materials which I provide are used by anyone else in the school when I am not there. For example, no teacher has ever requested permission to use any of my supplies or materials.

15. My Board of Education supervisor is responsible for supervising and evaluating what I teach, and how I teach it as a teacher. To my knowledge, the nonpublic school administrations do not have any particular input in that process whatsoever.

16. The rooms that I use are clearly designated as public school classrooms by a sign which is placed inside and outside of the room. The rooms themselves are completely stripped of all religious symbolism.

17. As a Grand Rapids Public Schools teacher, I have never experienced any religious pressure or influence in the nonpublic school setting in which I teach. I have enjoyed my work and feel that I have been able to successfully accomplish my goals without ever feeling inhibited by the fact that the school in which I provide those services is a non-public school. Certainly no one has made any effort to influence me directly, or to make me feel uncomfortable because of the setting in which I teach. My function is to provide instruction which students would not otherwise have available to them in their regular curriculum. In my own mind, I believe that the Shared Time program has been very successful in accomplishing that purpose.

[Jurat and signature omitted in printing]

**Excerpts from the Sworn Offer of Proof of  
Joe Leonardo, Physical Education Supervisor:**

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools as Assistant Director of Athletics and Physical Education in charge of the supervision of the Physical Education, Athletic, and Intramural Programs (which also includes the Shared Time instructional program) that are scheduled for our school district.

\* \* \*

4. I am of Protestant religious conviction and a caucasian.

\* \* \*

8. In my present position I became involved with the Shared Time program in 1976. My supervisory responsibilities in relation to this program are as follows:

- A. Plan, supervise and evaluate the physical education curriculum for our shared-time schools;
- B. Develop and implement training programs for staff improvement;
- C. Prepare, compile and approve requisitions for the purchase of needed instructional equipment and supplies;
- D. Implement an in-service program for physical education instructors;
- E. Confer with principals on adopted time scheduling;
- F. Assist Personnel Department in teacher hiring selection process;
- G. Visit physical education classes to observe class organization, and teaching methods and evaluate the same; and
- H. Administer physical education budget.
- 9. Shared Time teachers, like all teachers hired by the district, go through a screening process which would include a personal interview, creditial review, and administrative evaluation. As Assistant Director of Athletics and P.E., a recommendation is submitted to personnel for implementation.
- 10. Those instructors who are assigned to the Shared Time program receive orientation as it relates to their instructional responsibilities.

11. This orientation has included the guidelines for establishing:

- A. Daily time schedules for schools;
- B. Following the accepted district wide curriculum guide;
- C. Attendance procedures;
- D. Grading procedures;
- E. Equipment procurement; and
- F. Physical setting requirements (*i.e.*, no religious symbolism).

12. I am also responsible for scheduling and organizing staff meetings for informational data and in-service training programs. We meet bi-monthly to discuss physical fitness testing procedures, equipment orders, repair of equipment, safety in class activities, etc. Scheduled in-service meetings have included movenastics, instruction for senior citizens, self defense, mini-trampoline, disco dance, mainstreaming, etc. These staff meetings apply to all district P.E. instructors.

13. Most of the shared time instructors have dual assignments, that is, assignments are in the nonpublic and public school setting. Information relating to conduct on the job and contractual responsibilities are emphasized at our general meetings.

14. Our Physical Education program is aimed at offering a multifaceted service to children that they would not otherwise receive. The program provides for the educational needs of the nonpublic students the same as it would and does for the public school students. The curriculum is the same as well

as the goals and objectives that are established. In some instances, we provide a service which was not otherwise present. In all cases the service we offer in terms of its scope exceeds the service that was otherwise available to the nonpublic students. This program is not a substitute for any other program that is provided. The suggested sequence of activities for K through 6 students, the progression of skills taught, all written materials and equipment are the same for all Grand Rapids Public School physical education students. We do not look at students' needs as being different simply because of their public or nonpublic status, but as needs that must and should be met.

15. The philosophy stated in the Grand Rapids Public Schools Elementary Physical Education Curriculum Guide Book is the one that is adhered to by all instructors as stated, "Physical education is a vital part of the educational process which enhances the psychological, intellectual and social, as well as the physical development of the individual in our society today." Attached and marked as Appendix A and B are the Elementary Physical Education Curriculum Guide and the Senior High School Physical Education Minimal Performance Objectives and Instructional Units, both of which are incorporated as though fully set forth. These exhibits describe in depth the details of the Grand Rapids Public Schools Physical Education Program.

16. The activities and skill areas for students in early elementary would include spatial awareness, body mechanics, body awareness, locomotor skills, movement exploration, rhythms, ball handling, stunts and tumbling, and apparatus.

Activities and skill areas for upper elementary students would include football, soccer, volleyball, basketball, rhythms, floor hockey, stunts and tumbling, apparatus, track and field, dance and softball.

17. Materials that are needed for our physical education program are supplied either through the Physical Education Central Office or through our Supply Department which serves as our central equipment depot. Forms are distributed to all instructors at the beginning of the year for the procurement of equipment.

18. Supervision of shared time instructions falls under the same procedures that are established for all of our elementary consultants. A majority of my visits are unannounced to observe and evaluate the instructor and the program. A typical visitation would include a courtesy call to the principal of the building, observing at least two full classes, checking class organization, instructional techniques, safety precautions, utilization of time, quality of instructional time, class control, and objectives accomplished. I will then discuss my observation with the instructor and make any necessary suggestions. The written evaluation is then forwarded to the Personnel Department.

19. In all the years of my involvement in the Shared Time program, I have never been approached by nonpublic administration or staff to impose any of their religious beliefs or to try to influence the instructor or the type of instruction that is being offered.

20. As already indicated, my association with non-public administration is out of courtesy only. There has been some dialog that at times has centered on an instructor's starting and ending time, but any follow-up of concerns has been done by my approaching the instructor. At no time, as far as I am aware, has any nonpublic principal attempted to supervise the teaching activities of the instructors I supervise or to apply religious pressures on them.

21. The same could be stated with the contact with non-public teachers. My contact with them would be only a courtesy recognition. The physical education consultants contact would only follow the receiving of the students for class. Any problems or concerns a classroom teacher would have would only relate to individuals that might have physical or limited ability problems that would fall under professional responsibilities.

22. I make visits to all shared time facilities that are being leased from the nonpublic schools and, in general, shared time instruction in most cases is carried out in a multi-purpose or gymnasium setting, separate and distinct. As Assistant Director of Athletics and Physical Education, I am sensitive to the issue of religious symbolism and accordingly, in all cases, I have made special observations to assure that none are on display in those areas.

23. Since my affiliation with the Shared Time program, there has never been any religious influence or pressure placed on me as a result of my position. No one has challenged my religious beliefs or the way I conduct my responsibilities as they relate to my position. My experience in this program has been one of fulfilling an educational need for students regardless of their racial, social or religious backgrounds.

[Jurat and signature omitted in printing]

**Excerpts from the Sworn Offer of Proof of  
Jerry Bentley, Physical Education Teacher:**

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools, teaching physical education. I teach grades K through 8 in premises leased by the

GRPS as public school classrooms at St. Thomas (a nonpublic school) on Monday, Wednesday and Friday and grades K through 6 at Sigsbee (a public school) on Tuesday and Thursday.

• • •

4. I am caucasian and a member of a religious group known as Immanuel of Grand Rapids.

• • •

7. I have been assigned to the Shared Time program of the Grand Rapids Public Schools since 1979, teaching physical education in grades K through 8 at St. Thomas. At the present time, I spend three days a week teaching at St. Thomas, and two days a week teaching at Sigsbee.

8. When I was assigned to the Shared Time program I was aware that I would be teaching in a Catholic school as a public school employee. This did not cause me any particular concern. I wanted to be in another school but they explained that they needed me at this school. I agreed to accept this position without any reservations, and have not had any problems with the assignment, religiously or otherwise.

9. It was my understanding when I was assigned to the Shared Time program that there were to be no religious artifacts or symbols in my classroom. The bottom line was that whatever we did in the public schools, that is what we did in the Catholic schools. I was not to conduct myself any differently than if I were teaching in a public school. The purpose of this program is to teach children physical education regardless of what their religious background may be.

10. I was assigned to this position by my supervisors Joe Leonardo and Tootie Wagner. The Catholic school was

in no way involved in my assignment, so far as I am aware. That is, before my assignment, I was not required to attend any interviews or the like.

11. The curriculum which I follow for each grade level is prescribed by the Grand Rapids Public Schools. The materials and equipment that I use are all provided by the GRPS.

12. St. Thomas has an athletic program, but they do not use any of the equipment provided by the public schools. They have their own equipment. In fact, the GRPS property is stored separately from the athletic program equipment.

13. The principal at St. Thomas has had nothing to do with the program I teach, nor do the teachers at St. Thomas.

14. The gymnasium I use is all by itself in a separate building. The children have to put on their coats in the winter time to go from the classroom building to the gymnasium.

15. I am not involved as a coach in any of the team sports provided by the athletic program of St. Thomas.

16. It is my understanding that the plaintiffs in this action have suggested that an acceptable alternative to the Shared Time program for non public school students would be to provide the shared time services at some other location than the nonpublic schools. This would not, in my judgment, be feasible in this instance, due to the time it would take the students to walk to the nearest public school, which is three blocks away. In addition, the nearest public school, which is Sigsbee, would not have enough hours of the day or rooms available to use for these students.

17. I grade my students on a report card provided by the Grand Rapids Public Schools. The grade is recorded and then communicated to the students parents through the mail. In addition, I keep attendance records in a record book provided by the public schools.

18. I keep a running inventory of the materials I have been provided with through the Grand Rapids Public Schools. I am the only one that uses the equipment provided through the public schools.

19. The nonpublic school teachers and principal have nothing to do with what I teach. The principal at St. Thomas has never tried to encourage me or influence me to incorporate religious matters into the course. I feel no type of personal pressure by virtue of the fact that I am teaching in a Catholic school.

20. As I recall, the topic of religion has come up only once. It was Ash Wednesday and all the kids came to gym with dirty foreheads. I didn't know what that was for and asked "How come everyone is dirty?". They told me it was Ash Wednesday and then I realized. Other than that experience, the topic of religion has never come up.

21. I understand the plaintiffs in this case claim that there is going to be an inter-mixing of religion and education in my classes. I do not believe that the things that are going on in my physical education classes have anything to do with their religion, my religion or anybody else's religion. Further, with respect to the issue of administrative lines of authority, my supervisors are Joe and Tootie, not the nonpublic school personnel. The administrative lines of authority are clear and distinct. The nonpublic school principal has never tried to "cross that line".

22. On occasion the nonpublic school personnel have observed my physical education class. For instance, the other day we were playing floor hockey and another teacher wanted to see how that was done in the gym and what they do. He just wanted to observe the class.

23. I do not attend any faculty meetings at St. Thomas.

24. I cannot perceive a religious atmosphere at St. Thomas. However, even if one was to assume the atmosphere to be religious, that atmosphere has absolutely no import of how or what I teach.

25. There are no religious symbols in the gymnasium at St. Thomas.

26. I consider the gymnasium to be a public school classroom during the period of time I am there and I consider the students to be public school students during the time I am there. I am at all times a public school teacher. I have no duties or responsibilities at St. Thomas outside of my job as a shared time teacher.

27. I think the Shared Time physical education program is great. I know that if the nonpublic schools did not have this service children would have a physical education consultant maybe once a month or maybe once every two months. Through the Shared Time program they are getting a really good physical education.

[Jurat and signature omitted in printing]

**Excerpts from the Sworn Offer of Proof of  
Douglas Reahm, Music Supervisor:**

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools as a Supervisor of Music.

My residence is at 813 Walsh, S.E., Grand Rapids, Michigan in Kent County.

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3. I am a caucasian and a member of the Protestant faith.

• • •

7. In 1976, the Shared Time program began to be discussed as a part of the Music Department offerings and in 1977 our first shared-time school in music was implemented. In the 1981-1982 school year we have twenty-five (25) non-public schools in which we provide music services and the equivalent of approximately 6.8 teachers who work in those schools.

8. In my present position I am responsible for a variety of administrative tasks. I interview prospective music teachers and recommend hiring to the Personnel Office; I prepare budgets and administrate the financial end of the purchase of all equipment and materials used in both the public and nonpublic schools with regard to music; I prepare in-service programs for all music teachers; and I evaluate all shared time music teachers.

9. With respect to instructions given to new or present employees who will work in shared time schools, I give oral instructions that they are to service those schools exactly the same way they would service a public school. I direct the staff to follow the same curriculum in the nonpublic school and the public school. Teachers are advised that during the time they are in the nonpublic school they are a public school teacher and the students are public school students. Music teachers are to act and make decisions as public school teachers. It is a practice in our department that all teachers serve an "apprenticeship" in the public school program (with some exceptions) so they are aware of its operation and demands

so when they move to the nonpublic school setting, they are fully aware of the expectations. Each year in the fall we discuss these expectations with our shared time teachers.

10. The Music program we offer is from kindergarten through 12th grade and is in the vocal music area. We have no program in instrumental music.

11. The elementary program is described by a set of elementary objectives that were adopted in June, 1979 and are made available to each music teacher as well as each classroom teacher in both the public and nonpublic schools at the elementary level. That objective book is attached as Exhibit 1 and incorporated herein by reference. In the secondary program we are in the process of developing objectives and have a preliminary draft that has been in the hands of all music teachers since the fall of 1980. A copy of an updated draft is attached as Exhibit 2 and incorporated herein by reference.

12. It is the intent of the music program to give the students a broad, general background in the discipline and the art of music. Study of singing, musical instruments, listening, music reading and movement activities are an integral part of the program at the elementary level. The secondary level program in junior high is aimed at a continuation of the general music program and also may include some performance groups. The senior high program is essentially a music performance oriented activity. I have been told that many of the schools which we serve did not have a music program prior to the implementation of the Shared Time program.

13. The music curriculum of the shared time schools is the same program as the public schools. In the elementary, a music teacher writes out a lesson plan that is duplicated

and given to all classroom teachers, be they public or non-public. Virtually, the same lesson is taught in each school. Vocal music which has a religious text is a major portion of the realm of fine music. Teachers are free to use such texts in both public and nonpublic schools but are told not to explicate the text. The materials used in the program are purchased by the Grand Rapids Public Schools and so marked. These would include books, records, autoharps, resonator bells, pictures, music and any other necessary materials.

14. The Grand Rapids Public Schools Music program is made available to all students. We describe the type of program we are able to offer and if they (the student's school of primary attendance) wish to opt into the program, we then make accommodations to do so. As in the public school elementary program, it is virtually every child in grades K through 6 in the non-public schools which we service.

15. Shared time teachers in both public and nonpublic schools are under the immediate and direct supervision of my office with regard to schedules, times, evaluation and financial matters.

16. As a matter of normal course of action, I visit music teachers in both public and nonpublic schools to assess the program they are teaching, sometimes reviewing their lessons and also observing them teach. My usual procedure would be to arrive at a building and let the school secretary know I have come to observe the music teacher. I enter the room and take copious notes on the activities I see. I may then speak with the teacher and return to my office and write up the observation. The observation is sent to the teacher and we may at either the teacher's or my request get together and have an indepth discussion of the observation.

17. My contacts with nonpublic school principals are generally limited. Their office knows that I am in the building. They often offer comments concerning the value of the program or the teacher which the public schools have provided. Generally, there is no attempt on the part of the principal to exercise any supervisory function over music teachers. On occasion music teachers have contacted me with concerns that the school wanted to do a Christmas program or prepare for some other program that might have religious overtones. My instructions to those teachers are that they may use any text including a religious text they would feel comfortable using in a public school. We use religious text music in most of our public schools and so I see no reason to do anything different in the nonpublic schools.

18. Music teachers K-8 are scheduled into the nonpublic schools through the Music Office. The principal of the non-public school sends the Music Office a description of the number of classrooms and possible conflicts and suggestions for days of the week that might schedule best. A master schedule is made in concert with the Art and Physical Education Supervisors. This scheduling is done at the same time the public schools are scheduled.

19. Although I have had occasion to talk with almost every principal of the schools we service, we have never had a discussion of any religious matter nor have I felt that any pressure has been placed upon me to alter, change or consider modification of the music program on the basis of religious considerations.

20. It is a requirement of the public schools teachers' contract that classroom teachers remain in the classroom during music instruction. We encourage them to participate in the lesson, singing the songs, participating in movement activities and observing what the music teacher does in order

to reinforce in the minds of the students the value of the class. Also, they become better acquainted with the goals and objectives of music and some of the methodology for making it applicable in the classroom. Each of those classroom teachers receives a lesson plan from the music teacher which contains an outline of the activities the music teacher will perform during the music period plus suggested activities for classroom teacher follow-up during the week.

21. Most of our music programs occur in a designated room, which is used for music during the time we are there. There may be some conditions in which a music teacher would move to a regular classroom, depending upon the availability of rooms in the school or possibly the age of the children to be served. I am sensitive to the issue of religious symbols in the school and make a special observation to insure such symbolism is removed from those rooms used specifically for the Grand Rapids Public Schools music program.

22. Although I realize I am entering a school, which on many occasions is in existence because of a coalition of a religiously minded group of people, I do not feel the religious basis of the school has affected my work in carrying out the activities I feel I must perform with regard to the supervision of a vital instructional process. The religious atmosphere that may exist in the school, has not been a detriment to the work of either myself or my subordinates to my knowledge.

[Jurat and signature omitted in printing]

**Excerpts from the Sworn Offer of Proof of  
Helen Bradley, Music Teacher:**

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools as a Music teacher. I reside at 430 Alger, S.E., Grand Rapids, Michigan.

\* \* \*

3. I am a caucasian and a member of the Methodist Church.

\* \* \*

7. My duties as a general music teacher have included participation in the Shared Time music program since 1979. At the present time I am providing teaching services at Ottawa Elementary (a public school), Madison Elementary (a public school), St. Jude's (a nonpublic school) and Blessed Sacrament (a non-public school). Approximately 3/5 of my time is devoted to the teaching of full time public school students, and 2/5 of my time is devoted to the teaching of public school students who also attend nonpublic schools.

8. My assignment to the Shared Time program was dictated by my supervisor, Mr. Doug Reahm, the Supervisor of Music. The fact that I was being assigned to religiously-affiliated schools to teach a portion of my time did not cause me any particular concern as a public school employee, or as Methodist. I enjoy teaching music and provide the same music instruction no matter what the particular setting in which I provide those services.

9. I have been specifically instructed by my supervisor that in everything I do, I must conduct myself as a public school employee, providing a public school music curriculum, utilizing supplies and materials made available through the

Grand Rapids Public Schools. All of the books, texts and the like which I use in providing the services are appropriately labeled as public school property.

10. All of the music instruction which I provide at both of my nonpublic schools is provided in a room, appropriately designated as a GRPS facility. There are no religious symbols or artifacts contained in either of the rooms where I teach at St. Jude or Blessed Sacrament.

11. As a public school employee, I follow the GRPS work calendar. If for some reason there is a conflict in the schedule in which my nonpublic schools are in session and the GRPS are not in session, I do not teach on those days.

12. I do not issue any grades for any of my students. I do not keep any record of their religious affiliation although I do keep very precise attendance records, which are kept in a book made available by the GRPS.

13. I am periodically supervised and evaluated by my supervisor, Mr. Reahm. Basically, Mr. Reahm follows the PEP evaluation procedure which has been adopted by the Board. Under that procedure, Mr. Reahm on a periodic basis will visit my classroom, unannounced, to observe my teaching performance in the classroom setting. After my classroom work is completed, we will normally discuss the written evaluation, before that evaluation is forwarded to the Personnel Department. No nonpublic school administrators/teachers have ever been involved, so far as I understand the situation, in the evaluation procedure which Mr. Reahm uses. From my point of view, there is absolutely no confusion or entanglement of administrative lines of authority — Mr. Reahm is my only supervisor. As a public school employee I am responsible to him for the way in which I conduct myself and my classes.

14. Because I am a public school employee I do not attend any faculty meetings at either St. Jude or Blessed Sacrament. I am not in any sense of the word a member of their respective faculties.

15. Although I do recognize, by the name of the building in which I teach, that some of the students may be affiliated with the Catholic Church, neither the religious affiliation, if any, of my students, nor the religious affiliation, if any, of the regular classroom teachers in those schools has ever in any way affected or impacted what I teach or how I teach it as a music teacher. I have not personally felt any pressure or influence of a religious nature which has in any way made me feel uncomfortable teaching in the nonpublic school setting.

16. As I see it, the basic function and purpose of the music program is to provide a very detailed, wide curriculum to provide the students with a basic understanding and appreciation for music, as an important discipline in their educational pursuits. The music program of the GRPS has a great many things to offer which would not, in my judgment, be otherwise available in the nonpublic school setting. I teach children music. Part of the music instruction also includes preparation for performances, usually twice each year. The nature and type of materials which I use in my music programs does not differ in the school settings where I teach. That is, I will use the same materials in my non-public schools as I use in my public schools.

17. I have been advised that the plaintiffs either have or may be arguing that the services which I provide could be as easily or effectively provided off-site, as opposed to on-site, in the leased premises context. In my judgment, from an educational point of view, that particular arrangement would not be as effective. A good deal of important and val-

able instructional time would be lost in transporting students. It only makes sense, in my view, to move one teacher, as opposed to 30 students. My students would lose a great deal if the manner in which the program were altered, as suggested by plaintiffs.

[Jurat and signature omitted in printing]

**Excerpts from the Sworn Offer of Proof of  
Vee Matusko, Art Supervisor:**

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools as Supervisor of Art, in charge of the Art programs at the elementary, middle school and senior high levels. I reside at 7596 Hessler, in Rockford, Michigan.

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3. I am a caucasian and am not affiliated with any particular religious faith.

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8. In the 1977-1978 school year, Art was first offered and made available to children attending nonpublic schools. For the present school year, 1981-1982, the Shared Time Art program is being offered on premises leased by the Grand Rapids Board of Education as public school classrooms at 27 nonpublic school sites. Of course, my duties and responsibilities as Supervisor of Art were extended following the implementation of the Shared Time Art program. My duties and responsibilities with respect to the art teachers, most of whom teach in both the nonpublic and the public school setting, are the same.

9. The Grand Rapids Public Schools curriculum for Shared Time Art students is taught from grade level K through 8. Although my supervisory responsibilities include grades K through 12, there are no high school nonpublic school students receiving Art through the Grand Rapids Public Schools.

10. If art openings arise, I am normally involved in the interviewing process in order to screen and recommend to the Personnel Department those individuals who would be best suited and qualified for such openings. The actual authority to hire and/or fire resides with the Personnel Department, to whom my recommendations are made.

11. Most of the art teachers under my supervision teach in both the nonpublic and public school setting. In light of the peculiarities which can arise in the nonpublic school setting, I have periodically reinforced with my teachers the fact that they are to conduct themselves at all times as public school teachers, providing teaching skills in accordance with the curriculum guides of the Grand Rapids Public Schools. I am sensitive to the issue regarding religious symbolism and my teachers have been told that such symbolism should be removed from the classroom during the period of time that they teach Art. My teachers are told that the rooms in which they teach should be clearly designated as public school property. I also emphasize to my teachers that they are my responsibility and accordingly, nonpublic school administrators have nothing to do with my teachers' supervision, evaluation or assignment.

12. When the Shared Time Art program is offered to any students attending nonpublic schools, before the nonpublics accept the program, I specifically meet with the building principal in order to go over what the program consist of, emphasizing that it is a public school program, following a public school curriculum, taught by a public school teacher.

I like to explain the program at the outset so that it is clearly understood at the beginning that I will be responsible for the implementation and operation of the program, and not them.

13. So far as I am aware, very few of the nonpublic schools where shared time art is now being offered ever before had a well defined, goal oriented, art curriculum. Indeed, in many instances, such schools did not have any art program whatsoever.

14. In terms of course content and teaching methodology, the nonpublic school administrators have not in anyway interfered with any of my teachers. I like to think that part of the reason for this non-interference is the fact that I take the time to explain the program at the outset, in order to avoid such problems. My teachers as well as the nonpublic school administrators clearly understand that with respect to the art teachers, I am their "boss".

15. In connection with the initial meeting with the on-public school administration, I usually also require a tour of the building and at that time explain to the administrator the fact that we must have a room free of religious symbols, and the fact that we must be supplied with a lockable cupboard in which to keep Board of Education supplies. In my experience, most nonpublic school administrators have been very cooperative in complying with those requests.

16. In most of the nonpublic schools where my teachers provide art services, a special room is designated for use as a public school art room.

17. The nonpublic school administrators have absolutely no input into the teacher assignment process. I am solely responsible for assigning and then supervising those who teach art in the Shared Time program.

18. The purpose of the Shared Time Art program is to provide an opportunity for as many children as possible to be exposed to a quality art program so that they may have exposure to a "total education", one which enables them to experiment with their own individuality and creativity. In my view, art is basic to educational development. I feel that all children, no matter what their religious background, should be exposed to the program which is offered by the Grand Rapids Public Schools. The program itself has nothing to do with religion whatsoever.

19. All of the materials and supplies which are used by my art teachers are requested through and purchased by the Grand Rapids Public Schools. We have an established ordering procedure which each teacher must follow in order to obtain the supplies needed to provide his/her teaching services. The same procedure applies to all programs whether conducted on Board of Education owned or leased premises.

20. In my view, the entire art program is designed to benefit students, and students only.

21. As supervisor, I am responsible for periodically evaluating the art teachers that provide shared time art. Generally speaking, I follow the same basic procedure in each instance. When visiting a given building, I first make my presence known to the administration of the school and then proceed to the classroom in order to observe the teacher in the classroom setting. Following such observation, I prepare a written evaluation which is then later discussed with the teacher and forwarded to the Personnel Department for filing in the permanent file of that teacher. As far as I am concerned, the nonpublic school people have absolutely nothing to do with the evaluation process, which is my sole responsibility. I do, however, make myself available to non-public school administrators should they wish to discuss the program itself, at any time.

22. I am not aware of any attempts on the part of the nonpublic school authorities to either supervise my staff, or attempt to religiously influence or pressure them. Certainly, as supervisor, I have never personally experienced any religious influence or pressure being directed toward myself. My experiences have been very positive and the nonpublic school administrators have been most complimentary of the services provided. Whatever religious atmosphere may exist within any of the nonpublic schools where shared time art is provided, it has not in any way affected, so far as I am aware, my Art program or personnel.

[Jurat and signature omitted in printing]

**Excerpts from the Sworn Offer of Proof of  
Lorrie Strand, Art Teacher:**

1. I am presently employed by the Board of Education of the Grand Rapids Public Schools teaching art to grades K through 6. I split my time between Dickinson Elementary, Riverside Elementary, St. Alphonfus, and St. Michaels. Dickinson and Riverside Schools are public schools, and St. Alphonfus and St. Michaels are nonpublic schools.

\* \* \*

4. I am caucasian and a non-practicing Methodist.

\* \* \*

7. I have been teaching art in the shared time program of the Grand Rapids Public Schools since September 1981. At the present time I am at Dickinson School on Mondays, at Riverside on Tuesdays and alternate Fridays, at St. Alphonfus on Wednesdays and Thursdays, and at St. Michaels on alternate Fridays.

8. I was placed in the Shared Time program by my supervisor, Vee Matusko. So far as I am aware, Catholic schools did not have any input in my assignment.

9. The fact that I was going to be teaching part-time at a catholic school caused me no concern whatsoever.

10. I was specifically told to conduct myself in the non-public school setting the same as I do in the public school setting. I understand that the nonpublic school principals or teachers have no duty or responsibility over what I teach or how I teach it. In terms of curriculum, I cover the same basic areas in art education at both public and private schools. The objectives for the grade levels that I teach are prescribed by the Grand Rapids Board of Education.

11. My supervisor V. Matusko is responsible for organizing my schedule as far as which days I will be in which school. In terms of the work calendar, I follow the Grand Rapids Public School calendar. In other words, if the non-public schools are in session and the public schools are out of session I do not work.

12. St. Alphonfus has been receiving art instructions through the public schools for four or five years. St. Michaels just started in the program this year. I teach grades K through 6 in both schools.

13. I keep no record of the religious affiliation of any of the students which I teach, nor do I grade any of my students. I do keep attendance records in an attendance book provided by the Grand Rapids Public Schools.

14. It is my understanding that the plaintiffs in this action have suggested that an acceptable alternative to the present Shared Time program for nonpublic schools students

would be to provide the shared time services after the regular school day or at some location other than the nonpublic school. Based upon my education and background, I believe there is a territorial essence in learning that is important. The children know their own space and have some security in that space. Simply from that point of view it would not work. In addition, there is the travel time the students would loose. Further, it is critical that I as a support staff person have contact with the teachers, the principals, and the building, to sense what it is the students need. I have to fit in what I am going to intergrate with the rest of their line programs. This cannot be done if you take the child out of his/her school. It is expensive and it does not work well.

15. My function, as I perceive it in teaching art to my nonpublic school students or any students, is to keep children's curiosity and imagination alive. As much as I can I try to keep alive that part of their brain which is normally dulled by the learning-answer stuff. Also I try to teach them to look and see, to feel better about themselves and their individual awareness, to feel good about themselves and that they can make something out of themselves. I try to teach them to respect each others creativity. I am teaching them to appreciate beauty in the world.

16. The art supplies I use, I order from the Grand Rapids Public Schools. All the supplies are labeled as Grand Rapids Public Schools property and are kept locked in either cabinets or my room.

17. My performance as a teacher is evaluated by my supervisor, Vee Matusko, she comes into my classroom unannounced and observes a class. None of the nonpublic school principals at either school, have ever asked to sit in on any of my classes.

18. I have not attended any faculty meetings at the nonpublic schools. None of the nonpublic school personnel have ever attempted to influence me in what I teach or encourage me to incorporate religious matters into the content of the subject area that I teach. I have not felt compelled to do anything of a religious nature.

19. To the extent that I perceive a religious atmosphere in the two nonpublic schools, it does not effect what I do. I do not attempt to engage these youngsters that I work with in any discussions about their religion or mine. I do not include it in my instructions nor in the themes of my work. I have no influence nor do I attempt to exert any influence on their religious background.

20. I understand there is a concern on the part of the plaintiff to this lawsuit that due to the fact that public school teachers are going into nonpublic schools the administrative lines of authority are going to become entangled or intermixed. I have never experienced any confusion concerning the lines of authority between me and my supervisor, nor between what authority any principal has over me when I am in their building. In my case, I am responsible for what I teach and how I teach it only to my Grand Rapids Public School supervisor.

21. I think the shared time program is a worth while program. It is helping children regardless of their religious affiliation. It is great for the children, it is good for our community, and it is good for our country. I think it is a fantastic program. I think it is excellent that teachers in a parochial school can see what teachers in our public school are like. I think it is good for the community, the parents and the children to have some contact with me as a public school teacher. We are trying to provide the best educational op-

portunity for all the youngsters in the Grand Rapids area that we can possibly provide within the law.

[Jurat and signature omitted in printing]

**Excerpt from the Sworn Offer of Proof of Msgr.  
Herman H. Zerfas, former Superintendent  
of Grand Rapids Catholic Schools:**

\* \* \*

8. In the more than three decades that I have been associated with the Catholic School system there have been dramatic changes in the image and the substantive structure. With no intent of being judgemental, the earlier Catholic schools were totally taught by Sisters and guided by what the Pastor said. This was the school I attended as a child. Currently, Catholic schools are administered and taught mostly by lay persons. They are probably the most democratic schools in the world, governed by the will of the parent patrons, who articulately express their will informally through the enrollment of their children, formally through the elected Parish Board of Education. Typically, the principal of the school is the executive officer of this Board, responsible for the implementation of its policies. The Board's actions on finances are subject to the review of the Parish Council, also regularly an elected body. Among its duties is the recommendation for the financial support of the parish to supplement tuition income for the operation of the school. The Pastor's chief business role is as administrator of the entire parish. The whole Grand Rapids diocesan system of schools came under the direction of an elected Diocesan Board of Education, with all other boards of education having a subsidiary relationship. With the sponsorship of the Diocesan Board there has been developed a manual of policies and administrative procedures, to guide the total educational enterprise.

9. A similarly important change is to be found in the admissions policies of the Catholic schools. Earlier schools were exceptional if there was even one non-Catholic student. This was not consequent so much on formal policy as on administrative attitudes. There was no perception of being a school for other than Catholics. Now these schools are sought by others, and these others are regularly accepted without religious adherence being the criterion. The result is that some Catholic schools have a pupil population more than ten-percent non-Catholic; one school has more than forty percent non-Catholic. The admission of minorities is even more dramatic. Catholic schools are by and large neighborhood schools. As a result, the Grand Rapids Catholic system has one school that is about twenty percent Black and another that is about forty percent Black. The latter also has a significant number of Spanish-speaking pupils.

10. The approach to teaching religion has also changed. Formerly, it was inculcation, often by rote memory and required practices; now it is exposition with a strong appeal to reason. The former was authoritarian with a prominent appeal to the "definitions of the Church", the latter is based upon an "authority of competence" within the teaching ministry of the Church, with an appeal to personal perceptions and individual conscience. Catholic schools, therefore are not severely sectarian. There is no "Catholic" algebra, chemistry or language. Academic texts meet the standards of the most demanding scholarship; almost all are in use in the public schools. The individual Catholic schools are challenged to develop as a "community of Faith" directed to making literate and committed Christians who care for one another, their Country and mankind at large.

[Jurat and signature omitted in printing]

**Excerpt from the Sworn Offer of Proof of Ronald J. Cook,  
Superintendent of Grand Rapids Catholic Schools:**

1. I am the Superintendent of Schools for the Roman Catholic Diocese of Grand Rapids. My name is Ronald J. Cook and my administrative responsibility includes overall supervision for the elementary and secondary Catholic schools in this eleven county diocese. Within the School District of the City of Grand Rapids there are 19 elementary and 2 secondary schools with 6,233 students in attendance.

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4. As Superintendent of Schools of the Diocese of Grand Rapids I have become familiar with the operation of the Catholic elementary and secondary schools of the diocese and, of course, particularly those within the Grand Rapids School District. Within the Grand Rapids Public School District, the public schools are under the jurisdiction of the Grand Rapids Board of Education.

5. In my position as Superintendent of Schools for the Diocese of Grand Rapids I am familiar with educational instruction made available to students attending Catholic elementary and secondary schools in Grand Rapids under various shared time offerings. These shared time classes are provided through the Grand Rapids Board of Education at public schools and in leased classrooms controlled by the public schools in non-public schools as well as at other sites.

6. The shared time classes provided by the public schools are largely either remedial or enrichment courses. Prior to the establishment of these programs, the Catholic schools under my jurisdiction lacked the financial resources to provide these classes to the students who now benefit from them. If the shared time classes were no longer available to qualified students attending Grand Rapids Catholic Schools, the Catho-

lic schools would very likely not have the financial resources to provide these remedial and enrichment courses on their own.

7. For the most part, the shared time instruction presented by the public school in Catholic schools in Grand Rapids consist of physical education, remedial mathematics, remedial reading, art and music. Some foreign language classes are also presented on a limited basis. These classes did not replace any similar classes formerly presented in such schools theretofore by the Catholic schools, except for former physical education courses in high school. None of these shared time classes have any religious content nor is any effort made by the public school teacher to introduce any religious bias or belief. The courses are not part of the essential curriculum of the Catholic schools and are not necessary credits, other than physical education, for any student to graduate from high school. Grand Rapids Catholic schools have a full complement of courses as required by accrediting agencies to issue accredited diplomas to children in attendance at the Catholic school classes without reliance upon any credits obtainable from attendance at the shared time classes. As I have previously indicated, should the shared time classes be withdrawn it is unlikely, in fact highly improbable, that the Catholic schools would replace the deleted public school classes with substitute classes in the same subjects under Catholic school auspices. The institution of these shared time classes did not arise out of any crisis or institutional need of the Catholic schools. Rather they were conceived by the public school Board of Education as a means of providing students, who were children of resident taxpayers in the community, with remedial and enrichment educational offerings which they would otherwise not have available to them.

8. Catholic schools have existed in Grand Rapids since this community was initially settled well over 125 years ago.

That heritage will not cease whatever the outcome of this litigation. We welcome the participation of our school children in shared time classes provided by the public schools since such classes undeniably benefit them. We also speak for them in seeking to maintain those benefits. At the same time, the Catholic schools of Grand Rapids are not dependent upon these shared time programs and will survive whatever the outcome of this case and will not cease to speak for its school children in their rights to equal treatment and justice.

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**PURPOSE OF CATHOLIC SCHOOLS—  
INTEGRITY OF SECULAR INSTRUCTION**

10. The Catholic elementary and secondary schools under my jurisdiction in the Diocese of Grand Rapids seek to develop the whole person and herein lies the specific Catholic nature of the school. A document issued in 1977 by the Sacred Congregation for Catholic Education of the Vatican has this to share regarding the integration of faith and culture: "In helping pupils to achieve through the medium of its teaching an integration of faith and culture, the Catholic school sets out with a deep awareness of the value of knowledge as such. Under no circumstances does it wish to divert the imparting of knowledge from its rightful objective." (*The Catholic School*, March 19, 1977). Thus, above all other concerns, these Catholic schools seek to educate their students fully and soundly so as to prepare them as capable and participating citizens in society.

11. The Catholic schools in the Diocese of Grand Rapids differ from the public schools, which have a comparable central educational purpose of preparing students for capable citizenship, in that (1) instruction in Catholic schools in religious education classes is part of the regular school day

and that, (2) value laden questions on moral matters are examined in academic subjects in a religious context when those questions are pertinent to the subject matter being discussed. That is not done in public schools.

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13. As professional educators, however, the personnel at work in Catholic schools do not permit the distortion of the content of academic subject areas. Indeed, in the *Catholic School*, March 19, 1977, we read:

"Individual subjects must be taught according to their own particular methods. It would be wrong to consider subjects as mere adjuncts to faith or as a useful means of teaching apologetics. They enable the pupil to assimilate skills, knowledge, intellectual methods and moral and social attitudes, all of which help to develop his personality and lead him to take his place as an active member of the community of man. Their aim is not merely the attainment of knowledge but the acquisition of values and the discovery of truth."

The Catholic schools, under my supervision, strongly emphasize the integrity of each separate secular academic discipline without distortion or intrusion of unrelated religious issues.

14. The Catholic schools under my supervision offer both a secular education and a religious education during the regular school day. Specific Michigan Law requires elementary and secondary non-public schools to provide the same basic course of study or its equivalent to that provided by the public school district in which the non-public school is located geographically. Specific subject content is also prescribed by the legislature in General School Laws. The purpose of this

legislation is to insure that all students in schools in the State of Michigan are provided with a course of study which will prepare them for useful citizenship and to equip them with the skills and knowledge necessary for such citizenship. Indeed the Catholic schools under my jurisdiction do subscribe to the Common Goals of Michigan Education as published by the Michigan State Board of Education in 1980. However, Catholic schools provide this curriculum and adhere to these goals not solely because they are legally required to, but rather because to choose otherwise would be to fail in our responsibility to the students.

15. Two of the characteristics of the "profile" of church-related schools referred to in the *Nyquist* and *Levitt* decisions is that those schools were "an integral part of the religious mission of the church sponsoring" them and "have as their purpose the teaching, propagation and promotion of a particular religious faith". I would strongly deny that Catholic schools in Grand Rapids exist solely for such narrow parochial or sectarian purposes. The mission of these schools is clearly as much education and social as it is religious. The facts herein recited concerning the Catholic inner city schools verify this.

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20. This is best illustrated by the situation presented in the Catholic schools in inner city Grand Rapids. Over the last two decades these inner city schools have increasingly operated in areas where the Catholic population has shifted in large proportion to the suburbs. Nevertheless, these schools have continued to provide for their communities even though the student population has become increasingly less drawn from Catholic families. In consequence, the minority proportion (i.e. Black, American Indian, Hispanic and Southeast Asian) in the 12 inner city Catholic schools in Grand Rapids

has now risen to 12% of the student population. Those not of the Catholic faith in such schools represent 15% of the student body. Locally, the statistics vary with the neighborhoods where the schools are individually located. For example, in one school, St. Andrews, the minority student population is approximately 50% of the students attending, while the proportion of students at that school who are not Catholic exceed 42%.

#### **ATTENDANCE AND PARTICIPATION IN RELIGIOUS INSTRUCTION AND SERVICES**

21. Parents who enroll their children in Grand Rapids Catholic Schools are advised in advance of the religious aspects of the school program. They understand that the curriculum and program of the school includes religious instruction classes and periodic religious services. Parents of Catholic commitment ordinarily desire their children fully to participate and experience such classes and services. Many parents not of the Catholic faith who enroll their children in Grand Rapids Catholic schools also want their children to participate in these classes and services. It is the policy of Grand Rapids Catholic Schools ordinarily to require students to attend religious instruction classes and religious services either at the Catholic school or at the church of his own faith if the student is not Catholic.

22. Catholic schools in Grand Rapids typically include some form of prayer or religious observance during the normal school day. This could be as simple as a prayer recited at the start of the school day. It might also include occasional attendance at religious services, usually weekly, or on days of special religious significance. Religious services are not a daily occurrence in any Grand Rapids Catholic School. Students in the school are expected to be present during such

religious observance although students not of the Catholic faith are not required to attend if their parents so request. The degree to which any individual student (whether Catholic or non-Catholic) participates in religious classes or services personally is a matter of his own free choice based on his own conscience.

#### **DOMINANT PURPOSE — THE QUESTION OF RELIGIOUS INCULCATION**

23. Nor is there any attempt to inculcate specific religious or moral values on the students in the schools under my supervision. Inculcation suggests a "grinding in" or specific ideas to students who are reluctant to accept them. It contains an element of coercion. This coercive element is simply not present in our schools. Indeed, it is foreign to present day Catholic philosophy of education and to the modern operational procedures of our Catholic schools.

24. This is not to say that values are absent from our schools any more than they are absent from public schools. Secular subjects on occasion, of necessity, touch upon questions of morals and values. It is simply that Grand Rapids Catholic schools approach value laden questions directly throughout the entire curriculum in a manner designed to make students aware of their own responsibility to develop a set of values that will serve them well in their future roles as citizens. In practice much of the content in religion classes is not narrowly sectarian at all. In fact, particularly in the Catholic schools located in the inner city where the student populations will include significant numbers of non-Catholic students, there exists particular sensitivity for the religious beliefs of all students, both Catholic and non-Catholic. No effort is made in the schools under my jurisdiction to force any student, Catholic or non-Catholic, to accept the teach-

ings or participate in the religious services of the Roman Catholic Church. To do so would be a violation of our trust and our tradition because we, as Catholics, believe that faith is a gift freely given by God and it is not possible, therefore, to force what must be freely given and freely accepted on another human being. Thus, schools under my supervision do not require obedience by students to the doctrine and dogmas of the Roman Catholic Church nor have as their purpose to any degree the "inculcation" of religious values as the *Nyquist* decision presumes of stereotype church-related schools. Through instruction, students will better understand the various value choices available to them. After examination and discussion, students will each themselves make a free choice and sometimes a life-long commitment to various value structures.

#### **CONTROL OF CATHOLIC SCHOOLS**

25. The Catholic schools located in the Grand Rapids Public School District each have their own Board of Education which operates pursuant to a written constitution. Members of each of these Boards are elected by parents and others in the parish with which the school is associated. Board members in each of such Boards are lay persons although generally the pastor of the parish will serve ex-officio as well. Board members need not be of the Catholic faith and, in fact, persons of religious faiths other than Catholic serve on existing Boards operating Catholic schools in the Grand Rapids School District. The day-to-day operation of Catholic schools is subject to the policy established by action of the Board of Education of each school. Thus, the principal of a given school reports to his or her Board of Education concerning school matters. These Boards meet regularly and are responsible for the operation of their respective schools. General diocesan policy concerning the operation of such schools is

complied with under the terms of each school's constitution. But the implementation of such policy and adoption of individual policy concerning each school for day-to-day operation is vested in and effectuated by the Board of each school. It would be inaccurate, therefore, to assert that these schools "are controlled by churches or religious organizations" according to the *Nyquist* stereotype of a church-related school.

### CURRICULUM

26. School programs in the Catholic schools of the Diocese of Grand Rapids are organized in such a manner that the curriculum contains every course required by law by the State of Michigan plus additional courses in religious instruction. In keeping with the fundamental principle of Catholic education to educate its students soundly and fully in secular subjects, the curriculum of the Grand Rapids Catholic schools are not narrowly or exclusively religious.

27. As stated earlier, these academic courses have their own basic integrity, and it would be improper under our philosophy of education to impose religious restrictions or otherwise interfere with the basic integrity of those disciplines. It cannot be appropriately stated of the Grand Rapids Catholic schools, as *Nyquist* perceived church-related schools, that these schools conduct their operations, curriculum, and programs to fulfill a purpose of propagation of the Catholic religious faith. The curriculum of the Grand Rapids Catholic Schools are not narrowly sectarian, i.e. Catholic, nor exclusively religious. They provide the broadest secular educational experience available in the community while integrating that experience, compatibly and with participation only with consent, with a religious orientation when, and only when, that orientation is appropriate.

### RELIGIOUS RESTRICTIONS ON FACULTY APPOINTMENT AND TEACHING

28. The "profile" of church-related schools contained in the *Nyquist* decision describes such schools as "imposing religious restrictions on what the faculty may teach". Teachers are selected for our schools based upon their expertise in particular academic areas and they are expected to demonstrate competence in those areas. Within the general philosophical framework of the school, individual teachers have wide latitude in organizing lessons and providing instruction within their discipline. Our schools do not then impose religious restrictions on what the faculty may teach. Furthermore a teacher need not be of the Catholic faith to teach in our schools. In fact, we have a significant number of teachers of other faiths in our faculties.

29. In the Grand Rapids Catholic schools teachers (other than those teaching religious classes) who are lay persons, i.e. not clergy or members of a religious order of nuns, constitute 78% of the teaching faculty of those schools. 10% of those teachers are not of the Catholic faith. It is clear, therefore, that the criteria cited by the Supreme Court of a church-related school imposing "religious restrictions on faculty appointments" is inapplicable to the Grand Rapids Catholic Schools.

[Jurat and signature omitted in printing]

**Excerpt from the Sworn Offer of Proof of Sister Marie Michael, Principal of St. Andrews School:**

\* \* \*

2. St. Andrews School is operated by an elected Board of Education. Under the Constitution of St. Andrews School

membership of the Board of Education is made up of three representatives of the parish of St. Andrews, three parents of students attending St. Andrews School who are not parishioners of St. Andrews and three parents of students attending St. Andrews who are members of St. Andrews Parish. At present, the make-up of the Board of Education includes two members who are Black, one who is Hispanic and six Caucasians of various ethnic backgrounds. Three of these persons are not of the Catholic faith. Also serving on the Board ex-officio, without a vote, are the Pastor of St. Andrew's Parish, myself as Principal and chair person of the Education Commission of the parish.

#### **TEACHER HIRING AND RELIGIOUS ORIENTATION**

3. It is my responsibility in carrying out the policies of the Board to hire, discharge or discipline teachers. Our criteria for hiring teachers is, of course, to require that the teacher be certified by the State to teach and have the proper credentials to perform the academic functions necessary to perform the teaching task. But more important than that, is to determine the teachers' dedication. We want to be certain that the teacher be concerned about the youngsters that she/he will be teaching, has the ability to work with people and to have something more than a superficial commitment to the philosophy of St. Andrews. In interviewing prospective teachers we share with them the St. Andrews' philosophy, which is that our school provides a program of total education of the whole person. We insist that if we meet the physical, social and personal needs of the individual student, educational quality will follow. We do not have any requirement that the teacher be of the Catholic faith nor do we require that the teacher make any personal religious commitment except that they accept our philosophy of education. We advise them that, from our standpoint, religion begins when the children

walk into the front door of our school by the manner in which they are treated. We want respect and consideration of each child for himself and from each child to everybody else, which we regard as the Gospel message. In point of fact, I do not inquire as to what a prospective teacher's religious beliefs are, although some teachers have, in applying for positions with our school, volunteered that they were not of the Catholic faith and inquired whether this presented a problem. I have consistently advised those applicants that it will only be a problem if they find the system that we are operating personally incompatible; not our problem with them or their religion. If they find themselves at ease with and compatible with our philosophy, then they are totally accepted as teachers, assuming they are competent to perform. All of those teachers, in fact, provide religious education to our students and that is whether or not they are of the Catholic faith.

4. We have 14 full time teachers on the staff at St. Andrew's School. Of our 14 teachers, 4 teachers are members of a Catholic religious teaching order (i.e. they are nuns); 10 teachers are lay teachers and of those 10 lay teachers, 3 are not of the Catholic faith. We do not concern ourselves with what any given teacher does with respect to the practice of their own personal religious belief. During the school hours the participation of teachers in religious services is entirely left up to them individually. It is what they themselves desire and wish to be comfortable with so long as they carry out our philosophy.

5. We make no requirements or demands upon our teachers concerning restrictions of a religious nature on the content of any instruction offered in secular subjects. We expect every teacher to provide competent teaching services within their own area of class content. We do, as an additional factor, expect every teacher to approach each child as an individual

and to look at each child for his/her personal needs. While, personally, I believe that to be a carrying out of the Gospel message, I see nothing particularly of a sectarian nature about such a requirement. It is, however, the philosophy of our school which the teachers understand and support.

#### CURRICULUM AND STUDENT ACHIEVEMENT

6. We regard it as a necessity to provide the individual child with a total educational experience. Religion, that is, a belief in and understanding of God, is integrated where pertinent to the subject matter in any portion of that program. At the same time because of the make-up of the student population of St. Andrews it is appropriate and proper to integrate a study and understanding of various cultures, backgrounds and religions, (including race, culture and age) in the study of society. This is not, however, artificially introduced into any secular subject where it would be inappropriate or irrelevant to the question at hand. It should be understood that there are courses in religious studies which are separate from these secular courses. Certainly the secular course content of classes at St. Andrews is comparable with the course content and quality provided in the public school. In fact, students attending St. Andrews have compared very well in test comparisons. For example, our fifth grade students from St. Andrews measured at the top of their counter-parts in attendance at 18 schools in Title I areas in Grand Rapids, Michigan. Examples exist and are well known within the educational community in Grand Rapids of the achievements that have been made by students attending St. Andrews raising themselves from grade level 4 to 5 years below their grade of attendance to its equivalent within a space of several years. In short, it can be said accurately that students attending St. Andrew's School receive quality secular education.

#### STUDENT BODY AND ADMISSION POLICIES

7. There are approximately 200 children enrolled in St. Andrews at present. We project 225 students for next year. Of the present 200 existing students, 69% are from minority groups: 47% are Black; 2% are American Indian; 1% are Oriental (Vietnamese); 19% are Hispanic (Cuban, Puerto Rican and Mexican-American). Of the remaining Caucasian, 31% of various ethnic groups are represented. Approximately 50% of the students are from families of various Protestant faiths.

8. No student has ever been denied admission to St. Andrews because of their religious faith, their race or their ethnic background. We are not interested in nor do we make any requirements concerning the religious belief or practice of their parents.

#### RELIGIOUS SERVICES AND INSTRUCTION

9. Religious services are presented for St. Andrews' students generally once a week, although their availability varies from time to time. Approximately six times per year the whole school will attend religious services. If an individual student indicates that he or she does not wish to attend such services they are excused without penalty or remonstrance. In practice, most students do attend such services and, from what we are able to determine, are encouraged to do so by their parents. In any event, parents do not raise objection as a general rule to their children attending such services even though the family may not be of the Catholic faith. Parents are invited to attend those services when it is convenient for them to do so and, in fact, many of them do attend and support the availability of those services for students. The attendance of students at religious services does not present a matter of either friction or pressure

upon students or parents. The availability of such religious services is a part of our philosophy of total education and that is that God, and the recognition of God, is a part of total education.

10. No student attending St. Andrews is compelled to accept or believe in any doctrine of faith of the Catholic Church. For example, students who are not of the Catholic faith are excused from participating in religious instruction regarding preparation for participation in religious sacraments of the Catholic faith, such as Confirmation. It is our conviction that to compel any child to participate in such a sacrament or to require them to accept or obey a doctrine of the Catholic Church would be not only counter-productive but violative of our own beliefs. It is our conviction that religious faith is a gift of God and cannot be the product of compulsion. On the contrary, the personal decision of any individual student respecting the truth and compelling nature of any portion of any religious creed must be decided by himself in his own good time; it cannot be urged or pressed upon him and it is only in time that those decisions can be made with firm foundation.

11. As part of our effort to provide a total education we periodically present representations to our students from other religious and cultural backgrounds. For example, we have had ministers of various Protestant faiths and persons of the Jewish religion talk about their beliefs and about their cultural experiences. Periodically, we encourage our children to share with others in their classroom their own religious beliefs and cultural backgrounds with the purpose of encouraging them in a sense of self-worth and the desirability of supporting religious and cultural norms. Deep and long-lasting relationships develop between the students of diverse cultural, racial and religious backgrounds and between the parents of these students as a result of this process. St. An-

drews places great stress upon the family, upon the family of St. Andrews, upon the family of the supporters of St. Andrews and upon the family of each student. We stress to every possible extent, how much each of us needs one another. In respect to matters of religious concern, such as racial justice, treatment of the poor, bigotry and the treatment of other religions, we do not introduce such issues in a formal way into subject matter but rather allow them to develop through stimulating student exchange of views. We hope to teach our school children the principle of respect and consideration towards others with the goal of making them aware of the talents and gifts of their classmates.

12. The dominant purpose of our schools is to approach each child as of the ultimate importance as an individual regardless of his or her background, race or religious belief. While we believe this to be the fundamental principle of the Gospel, I would personally deny that pursuing such a purpose would be to engage in teaching, promotion or propagation of any specific religion in the school. In fact, an understanding of the religious truth of love and concern which is the Gospel message is what we seek to accomplish. That is done, not so much through concrete programs of expressed teaching but through providing assistance and witness to the child when that child needs it. In short, St. Andrews does not exist as some form of a recruiting outlet for the Catholic Church. We are dedicated to providing each child with the best possible education, an education that is totally integrated with secular subject matter, social understanding and religious orientation.

#### SHARED TIME CLASSES

13. Shared time classes are provided at St. Andrew's School for non-public school children in classrooms leased to the public schools and operated by public school teachers

under the control of the public school system. Those classes are in physical education, art for students attending pre-kindergarten through third grade; music for students in kindergarten through sixth grade; French for capable students in the fifth and sixth grade (3 days a week) and Spanish for grades one through three for capable students (3 days a week). In the school we occupy, space does not present a problem and, consequently, the shared time classrooms do not conflict with classrooms operated by St. Andrews. There are no religious symbols in the classrooms at St. Andrews which are leased to public schools. I am acquainted with public school teachers who provide the shared time classes at St. Andrews. This is on a simply friendly basis. They great me in such a manner when occasionally we will meet on their coming or going from the school. Such teachers are entirely under the control of the public schools. They have no reporting relationship to me. I have no idea what the religious background or beliefs are of such teachers. I am not aware that any of them have ever taught in non-public schools. Certainly none of them taught at St. Andrews previously as a non-public school teacher.

14. All St. Andrew's students attend physical education classes; some attend art and music classes under shared time in addition. With respect to the French and Spanish foreign language programs of enrichment, participation in those classes are limited to those students who are capable of assuming those additional academic burdens without undue stress.

15. Students at St. Andrews attend no shared time classes at public schools. For a time it was considered that some program of providing shared time classes at public schools might be arranged for St. Andrew's students at the closest public school, Hall Public School. That school is located approximately a mile and one half to two miles distant from

St. Andrews. The idea was rejected as being impractical and counter-productive. The cost of transportation and the time for transporting children back and forth was viewed as requiring rejection of the idea.

16. The shared time classes provided at St. Andrews are of great assistance to our students. At the same time, it must be acknowledged that St. Andrew's School existed before the provision of such shared time classes and, I am very certain, will continue whatever the outcome of the litigation respecting the continuation of such classes on leased premises at St. Andrews. Shared time instruction did not stem from any need of St. Andrew's school for support or assistance. It is provided by the public schools to meet the needs of students. The additional prospective which these classes have given our children has provided them with significant personal opportunities.

[Jurat and signature omitted in printing]

**Excerpt from the Sworn Offer of Proof of  
Intervenor Parent, Clarence R. Covert:**

\* \* \*

6. Both of my daughters receive essential courses necessary for their graduation in the regular curriculum taught by teachers in the Sacred Heart School system. The public school class instruction which they receive in shared time classes are either remedial or supplemental to the regular curriculum taught by teachers in the Sacred Heart School system.

7. I am personally familiar with the shared time classes provided by the public school at Sacred Heart and with the teachers teaching those classes. I serve as a "room father" at noon two or three days a week and, consequently, am at

school considerably more than most people. I do not know what the religions of the public school teachers are who teach those public school shared time classes. The principal of Sacred Heart School advised me that he has no control or influence over the religion of the public school shared time teachers. The public school system selects which teachers they choose to teach those classes. There are no religious symbols in any of the classrooms where public school shared time classes are taught. The textbooks and materials used in those classes are free of religious content. In fact, even at Christmas time the art classes do not reflect religious themes in the art work they undertake.

8. Respecting attendance at the Sacred Heart Grade School, there is no requirement that students or their parents be of the Catholic faith. In fact, many of the students attending Sacred Heart School come from families which are of Protestant belief. In my opinion, it is not the school's place to mandate or impose a religious faith upon the child. I believe this is the parents' role.

9. There is one weekly religious service provided each week for students. The first four grades go on Tuesday morning and the last four grades on Thursday morning. In addition, on the first Friday of every month there is a joint religious service for all students. Attendance at these services is voluntary and a child can be excused if that is the wish of the parents. In fact, I personally am aware of one boy attending school at Sacred Heart who is not of the Catholic faith and I am informed that his parents have asked that he not attend the religious services. This is what has been done, with no difficulty.

10. In addition to a full curriculum of secular instruction there is a separate religious class which the children attend. Again, attendance is voluntary and, for example, this same

boy who I referred to in the previous paragraph, does attend the classes in religion at his father's request. These classes treat the subject of living the Ten Commandments, being honest, fair, etc., as moral issues. They also deal with understanding other religions. My wife has told me that this approach to religious teaching is sharply different from that which she experienced in her youth when religion classes in Catholic schools were much more concerned with "truths" of the Catholic faith and the errors of others.

11. To my knowledge, no child has ever been denied admission to Sacred Heart School because of race or religion. There is no discrimination between the students based upon religion or religious beliefs or practices.

12. Sacred Heart School is operated by a Board of Education consisting of nine members. These members are elected every year for a three year term each. These members are members of the Sacred Heart Parish. In this year's election process, there are seven or eight parishioners who are seeking election to the three seats.

13. Sacred Heart School is controlled by the Board of Education. The Board sets the programs, establishes codes of conduct, dress codes and other policy matters. If a parent is dissatisfied with some matter with respect to a teacher or class content, after taking the matter to the principal, the parent may bring it to the Board's attention for solution. The school is not controlled by the Pastor nor by any religious order. Parents, through their elected representatives on the Board, operate and control the school.

14. Thirty percent or so of the students in Sacred Heart School are from low income families. My children's school friends from various Catholic schools are Black, American Indian, Spanish-American, as well as Caucasian. Their reli-

gion is both Protestant and Catholic. Students at Sacred Heart School are taught in school that discrimination on the basis of race or religion is unacceptable.

15. Sacred Heart School is essentially focused around the family. The family must participate in the school if the children are to attend. The family must get the report cards, attend teacher conferences and in other ways be a real part of the school operation. For example, I serve as a room father several days a week. The purpose of Sacred Heart School, in my opinion, is to produce good citizens who are capable of leading useful and good lives. It is not primarily a school to enforce the Catholic faith upon children. I do not believe this can be done, in any event, and I know that the administrators and teachers at Sacred Heart School oppose any such approach to instruction in our religious faith.

16. If these public school shared time classes are denied children attending Sacred Heart School, my children will suffer serious educational setbacks. No such remedial and supplemental instruction had previously been provided at Sacred Heart School before the public school provided shared time classes. I believe those classes would not be replaced by Sacred Heart School if this lawsuit results in their discontinuance by the public school.

[Jurat and signature omitted in printing]

**Excerpt from the Sworn Offer of Proof of  
Intervenor Parent Irma Garcia-Aguilar**

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9. In my opinion, based upon discussions I have had with parents who choose to send their children to St. Andrews, the reason they have selected St. Andrews for their children's

schooling is very much the same reason my husband and I hold. They believe their children will get a better education. They want their children educated in a disciplined environment. They want their children to perceive what is good and bad and to have a value orientation which prepares them for life. They believe, many of them, that unless their children can attend St. Andrews that the future of their children will be greatly limited. I do not believe that this observation can be seriously disputed because of each of those families, particularly those not of the Catholic faith, must pay a very considerable amount of money in tuition to send their children to that school. Most of those same people are not well-to-do and the cost of tuition is a great sacrifice.

10. I believe that one of the most important benefits my children have realized by attending St. Andrews is their training and experience with respect to people of other races and religions. My husband and I could have selected another school where people of other races and religions were not so present but we believe that part of the teaching of the religion, as presented at St. Andrews concerning our obligations towards all others regardless of race or religion, is most effectively accomplished in that school.

11. I know that my life experience has been seriously hampered by my lack of education and by my limited cultural experience. I am determined that I do everything I can to see that my children are less hampered by these factors than I was. I believe there are very great benefits that my children receive in attending the shared time classes provided by the public schools. The education in the shared time classes in Spanish and French in the grade school level clearly broaden my children's outlook and abilities. The special assistance provided in remedial subjects, such as the remedial speech therapy provided to Carlos, is obviously of great importance to each of my children's future. The opening of their minds

of the culture of music which they receive in the shared time music classes will assist them in fitting into a society in which I still remain somewhat an alien. Obviously, the providing of physical education is a health measure which assists my children in developing their bodies and their social behavior and thus prepares each of them for the future.

12. If the result of this lawsuit will be to deny my children attendance at shared time classes I do not see how, as a practical matter, my husband and I could provide the same sort of educational instruction by any private means. None of these classes of instruction were presented before at their Catholic schools. We would, therefore, be faced with a choice between losing those educational benefits or taking the children out of the non-public schools where we feel they have their best chance for the future. This, then, would be a great hardship for each of them. Since my husband and I pay taxes to support the public schools, I do not see the justice of denying my children access to public school classes simply because they otherwise attend a non-public school.

[Jurat and signature omitted in printing]

Excerpt from the Sworn Offer of Proof of  
Intervenor Parent Simon A. Aguilar:

\* \* \*

14. Great changes have occurred in the Catholic schools since I attended them as a boy. This is particularly true at St. Andrews. When I went to Catholic schools we were required to go to church every morning. Most of our teachers were nuns. As I recall it, every subject, somehow or other, was made to apply to the Catholic religion. Now our children are taught English or mathematics and religion is not

interwoven. Religion may be the background but it is not an essential part of non-religious classes.

15. Now there is no requirement that parents or students attending St. Andrews or Catholic Central High School be of the Catholic faith. Children are not required to take religion courses at St. Andrews if their parents request that they be excused. The teaching of religion there is much more open than when I attended there 30 years ago. Our children are taught at St. Andrews to see the good in other religions. There is a voluntary religious service held once a week at St. Andrews. Children are not required to attend and no problem exists if a parent wishes them not to do so. To my knowledge, some parents have requested that their children not attend Mass and that has not presented any difficulties. In those classes that treat religious subjects, everyday issues concerning drugs, sex, peer pressures, world peace, racial relations and so on, are discussed from a religious point of view. The teaching of religion is not a predominant factor in St. Andrews nor in my opinion in Catholic Central. The purpose of these schools today, in my experience, is to prepare children to their highest academic and social skills and understanding for their future life. They are given the opportunity to learn the values of the Catholic faith but there is no attempt to impose these values upon them.

16. Over forty percent of the students attending St. Andrews are not Catholic. Approximately fifty percent of the students are of minority races, principally of the Black race. I don't know what percentage of the students would be Mexican-American. We selected St. Andrews for our children to attend, not only because I had attended there, but because of this mixture of races. I really believe in this and I think, in consequence of this school experience and our own convictions, my children are without racial prejudice. I could readily have sent my children to other schools which were

not of the mixture of races and religions as are presented at St. Andrews but determined that this was the necessary choice.

17. I don't know what the religious faith of each of the teachers are at St. Andrews and Catholic Central High School, but I know, particularly at St. Andrews, that other religious faiths are treated with respect and understanding, particularly because of the make-up of the student body. No priority is given to admission of students based on their religious faith, at least at St. Andrews. Enrollment is open to all who wish to attend.

18. In my youth, St. Andrews and Catholic Central High School were totally operated by the clergy of the Catholic Church. That is not true today. I was elected to and have served on the Board of Education of St. Andrews within the past few years and my wife is presently a member of that Board. This is a very great change from the past. The Board is made up of parents and other interested person who support the school. Board members are nominated by a petition signed by members of the parish. An election by the parish selects Board members. There is not a test or qualification as to Board membership.

\* \* \*

20. These Boards of Education, to my personal knowledge do really run the schools. In St. Andrews, the principal is a nun but her responsibility and authority is subject to the supervision of the Board of Education to whom she must answer. This is a very great difference from the time when I was a young person attending Catholic schools when the schools were operated under the control of the pastor. In consequence of this arrangement, parents of school children attending Catholic schools today in Grand Rapids have direct input into the operation of those schools. This was one of

the principal reasons we transferred our children to the Catholic schools.

21. To my knowledge, no person or child has been denied attendance at St. Andrews or Catholic Central on the basis of their religious beliefs or practices, or lack of them.

[Jurat and signature omitted in printing]

**Excerpt from the Sworn Offer of Proof of  
William Gritter, Superintendent of the  
Grand Rapids Christian School Association:**

\* \* \*

**DEMOCRATIC ORGANIZATION—  
NOT CHURCH OPERATED**

5. The Grand Rapids Christian School Association schools are not church operated or parochial schools but are private schools operated by an Association composed of parents and other persons who are supportive of Christian education. This Association elects a board of twelve trustees to operate the schools and make basic policy decisions. Each trustee serves for three years and every year four new trustees are elected. Each of the six schools also elects a board that carries out responsibilities delegated to it by the Association Board of Trustees. Thus the Association is very democratically structured with all board members chosen in elections that are held in the spring of each year.

6. It must be said that the membership of the Christian Reformed Church has historically been very supportive of the Grand Rapids Christian schools including financial support. Approximately 82 percent of the students come from that church, but in recent years the number of students from non-

Christian Reformed families has been increasing. However it must be emphasized that the schools are not operated or controlled by the Christian Reformed Church but rather by a board of trustees elected by the membership of the Grand Rapids Christian School Association. In other words these schools are not "an integral part of the religious mission of the church" since they are not operated by a particular church. It should be understood that these schools are not operated by a church for a very fundamental reason. These schools were started and continue to be supported by families who are part of the Reformed, Calvinistic tradition. And that tradition believes very strongly that it is the responsibility of the parents to educate their children — not the responsibility of the church or state. For this reason the parents started their own schools without affiliation or connection with the Christian Reformed Church itself. Although they respect the right of any family to request the state or church to operate schools for their children, members of Reformed, Calvinistic tradition oppose for themselves and their children schools operated by the state or church.

#### CHRISTIAN SCHOOL PURPOSE

7. The basic purpose of all schools is to prepare students to be responsible and productive citizens. The Grand Rapids Christian School Association schools differ in that in addition to the secular subject matters, classes in religious education are a part of the instructional program. This religious instruction is not the teaching of the doctrine or tenets of a particular church but rather a study of the Bible and a consideration of how the teachings of the Bible apply to the life of the students. Also in the secular subject matter the teacher addresses religious and moral questions that arise when they are relevant to the subject matter being taught but this is never done in a manner which would distort or

intrude in the secular subject matter with irrelevant religious issues. Furthermore, no student is required to adhere to or accept a particular doctrine or dogma of any church.

It must be emphasized that we believe that our schools exist in the best tradition of schools. We believe that our Christian schools must not be a fringe movement in society: negative, sectarian or divisive. The school must be the *school*; that is, having its own unique task to perform. That task is essentially to provide education to its students which will be formal, liberal, total and humane. That is its dominant purpose and not "the inculcation of religious values" nor "the teaching, propagation and promotion of a particular religious faith".

#### TEACHER COMPETENCE AND RELIGION

8. Teachers in the Grand Rapids Christian School Association are not required to be members of a particular church. In fact, teachers on our staff are members of various churches and religious faiths. We require that teachers must be highly competent in their area of teaching both from the point of view of pedagogical method and preparation and knowledge of the discipline or subject area to be taught. Approximately 70% of the teachers have Master Degrees and they are expected to give evidence of continued professional improvement so that teaching excellence can be maintained.

#### CURRICULUM

9. The curriculum of the Grand Rapids Christian schools provide the same basic course of study found in the public school district. All subject content mandated by the legislature is included in the prescribed curriculum at both the ele-

mentary and secondary levels. We provide this curriculum because we believe that it is necessary if the student is to be prepared to live a responsible and productive life and not to teach or promote a religious faith.

#### **OPEN STUDENT ADMISSION— RELIGIOUS EDUCATION AND EXERCISE**

10. The admission policy of the schools does not restrict enrollment to students of a particular faith. We do require that students attend classes in religious education as well as any religious exercises that the school may hold, such as a chapel exercise. Parents of students are informed at the time of admission of this requirement. This is considered necessary if the school is to maintain its integrity and purpose for existing. However, no student is indoctrinated in the doctrine or dogma of a particular church and attendance at our schools is open to all.

11. The students enrolled in the Grand Rapids Christian schools represent families from a wide range of churches and income levels. Families affiliated with over one hundred different churches send children to Grand Rapids Christian schools, including Reformed, Baptist, Pentecostal, Congregational and Episcopal Churches. Also the Grand Rapids Christian School Association has a policy stating that it will not refuse a student because of the inability of a family to pay full cost. This is possible because of the financial support provided by various groups. One such group is known a E.C.C.E.S. (Evangelical Committee for Christian Education Scholarships) which raises funds to make available scholarships to low income families. At the present time 40 of the 42 students supported by E.C.C.E.S. represent minority families who otherwise would not have the option of an alternative to public education.

12. One of the five elementary Christian schools (Oakdale) is located in the inner city of Grand Rapids and its enrollment reflects a 25% minority enrollment. Recently the Association approved a proposal to spend 1.6 million dollars to renovate and expand that facility. The present building will be upgraded and a new gymnasium will be added. This decision was very significant because it expressed the Association's commitment to serve the families living in that inner city area. In the April 22, 1981 edition of the *Grand Rapids Press*, the Editor paid tribute to the decision made by the Association. He wrote: "At Oakdale Christian, the enrollment is far from sagging, but most of the 18 classrooms are 30 to 60 years old. From the public standpoint the significance of the Oakdale plan is the Christian Schools Association commitment to the inner city. The association might have closed Oakdale Christian, its only inner city school, and bused the 405 students, including more than 100 minority pupils, elsewhere. The refusal to seriously consider that alternative is to the advantage of the area and to the credit of the Association".

#### **PUBLIC SCHOOL SHARED TIME CLASSES**

13. The shared time classes provided by the Grand Rapids public schools to students otherwise attending our Christian schools are provided by public school teachers in classrooms leased from the Christian schools and located in the Christian school buildings. Those classrooms contain no religious symbols or statutes. The classrooms are marked by a sign at their entrance indicating that they are public school classrooms. The teachers teaching these shared time classes are regular employees of the public schools and are subject to the supervision of the public school administrators. The materials employed in the shared time classes are provided by the public schools and, to the best of my knowledge, are the same mate-

rials and textbooks employed by the public school in its other public school classes conducted in public school buildings. Such material and textbooks are free of any religious reference. No monies of any amount are paid by the public schools to the Christian schools or any of Christian school employees as a part of providing these shared time classes to students attending the Christian schools. Contact between the supervisors of the shared time public school teachers and Christian school administrators is only casual and infrequent when they visit the school for supervision of the public school teacher. The public school administrators never intrude upon the Christian school themselves. No inspection or supervision of the Christian school or its instructional program is ever subject to examination by the public school administrators, whose sole function is the supervision of the public school teacher and the shared time leased classroom where she teaches.

14. The public school shared time program is very important to the students served by our Association schools. Such programs as remedial reading, remedial mathematics, outdoor education and advanced courses at the high school were never offered by our schools because of the cost. The Christian schools would not close if these programs were dropped but I do believe that serious harm would result in thereby failing to meet the educational needs of all the students. If the Court terminates such remedial and enrichment courses they would very probably not be replaced by the Christian schools because of the prohibitive cost.

[Jurat and signature omitted in printing]

**Excerpt from the Sworn Offer of Proof of Intervenor Parents Bruce and Linda Bylsma**

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5. • • •

We have had Jeff diagnosed by a psychologist and after his examination he advised us that Jeff had hand-eye coordination difficulties and other perceptual problems which were causing all of the reading and other learning problems that he was experiencing. For example, Jeff would on occasion, write letters backwards. Mrs. Jasper has had him do such things as walk a balance beam. She works a lot on sequential exercises and teaching him to follow directions both verbally and written. It is clear to us that had Jeff not received his remedial assistance he would not have been able to advance to the third grade. Furthermore, and much more important, it is apparent that the benefit that Jeff has received from this class has resulted in his believing in himself and having confidence in his own self worth.

6. We are well acquainted with Jeff's teacher, Mrs. Jasper, whom we regard as a very dedicated human being. We see her at least at the end of every term and periodically we receive written reports from her during the course of the term. Such reports go into great detail showing the progress of our child. She is very sensitive and especially skilled in treating children who have reading handicaps.

7. Eric is our youngest son and is in the kindergarten. It appears that he is in need of basic pre-reading assistance. Particularly in the area of listening skills and visual and auditory deficiencies. It would appear that Eric will probably need extra support in reading for several years. Thus we can anticipate that Eric will have the perceptual problems that Jeff has already experienced.

8. There is no religious test or requirement regarding attendance at Millbrook Christian School. There is some form of agreement that exists between the parent and the school through which the parent acknowledges the orientation of the school as to its Christian commitment and accepts that orientation. We know that no child or family is denied attendance at Millbrook Christian School because of race, religion or financial need. For example, I am acquainted with a Seventh Day Adventist family whose children attend Millbrook School. No responsibility is placed on that family to alter their religious faith or to comply with any conditions in having their children attend Millbrook Christian except to accept the orientation of the school.

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10. No religious symbols exist in the shared time classrooms at Millbrook Christian School. One could not detect any difference between that classroom and a public school classroom located in any public school. From my own personal experience I, Linda Bylsma, can state that the textbooks and materials that are used in the public school shared time classes in which my children participate are free of religious content. In fact, many of them are the same materials that our psychologist used when he tested and treated our son Jeff. They are recognized professional materials for such evaluations and treatments.

11. Millbrook Christian School is operated by a Board of Education. Members of that Board are elected by an annual meeting of parents and other members of the Christian School Society of the Millbrook Christian School. This Board of Education truly operates the school. There is no connection between the school and any church, even with the Christian Reformed Church which we personally attend. The Board is responsible to its constituency, primarily parents, and must

try to operate in a way they believe the parents would desire. There is no requirement that members of the Board of Education be members of the Christian Reformed faith.

12. If this lawsuit results in the denial of remedial reading assistance to students such as our son, Jeff, the result will certainly be to set such children back in the educational attainment. It is apparent to us that our son, Eric, will need the same sort of assistance from some other source. No such remedial reading instruction was available in Millbrook Christian School before the shared time classes were provided by the public schools. We believe it would be unjust and violative of our rights and the rights of others to deny our children such public assistance because of our religion. In fact, the remedial reading instruction is essentially a health and therapy program. As a result of it, for example, our son Jeff can now catch a ball when he could not do so before. But, more important, he is now able to receive an education. To deny that kind of assistance would be denying our children what they should have as citizens of a free country.

**Excerpt from the Sworn Offer of Proof of  
Intervenor Parent Shirley Leestma:**

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9. Remedial reading instruction was not provided at Millbrook Christian School before shared time instruction was provided by the Grand Rapids Public Schools. If Amy were to be denied the remedial reading assistance which is presently provided to her through the public school shared time classes because of her religious belief or her attendance at Millbrook Christian School, I believe that such an action would be clearly discriminatory. It would greatly deprive Amy of the special assistance she must have. My husband and I are taxpayers and citizens of this community and of

this country. We do not believe our child, who is subject to a handicap, should be denied remedial assistance because of her or our religious beliefs or practices.

[Jurat and signature omitted in printing]

**Excerpt from the Sworn Offer of Proof of  
Ronald J. Cook, Superintendent of Grand  
Rapids Catholic Schools:**

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2. Of the 354 elementary school lay teachers employed in the Catholic schools in Grand Rapids, 232, or sixty-six (66%) per cent received their Bachelor degree from a public or state college.

3. Of those same 354 elementary lay teachers, 301 or eighty-five (85%) per cent received their practice training in a public school.

4. Grand Rapids Catholic Central and Grand Rapids West Catholic High Schools are both accredited by the University of Michigan, Bureau of School Services, School of Education. To gain and maintain such accreditation, Catholic Central and West Catholic High Schools must and do meet the standards of accreditation established by the University of Michigan.

5. The following statement was adopted and issued by the Board of Directors of the Michigan Catholic Conference on June 16, 1967. It is applicable to the Catholic Schools of Grand Rapids:

"No child, regardless of religious affiliation, whose parents desire to enroll him in any Catholic school in Michigan which possesses capacity for additional enrollees shall be denied admission to that school on the basis of race, color or national origin."

6. Implementing such statement of policy, the Grand Rapids Diocesan Board of Education adopted the following statement of principle:

"When space permits, schools, elementary and secondary, are encouraged to enroll students to achieve cultural and ecumenical balance while maintaining the Catholic Character of the school."

7. The following statements of policy regarding the curriculum of the Grand Rapids Catholic Schools has been adopted by the Grand Rapids Diocesan Board of Education:

"The school curriculum encompasses all the learning experiences—cognitive, psychomotor, affective—that are planned and directed by the school.

The curriculum develops the student's responsibility to God, self, home, church, community, country, world and other persons.

The curriculum shall be broad in scope and shall provide for a wide range in rates and readiness and potential for learning."

8. School children attending the Catholic elementary schools listed on attached Schedule "A" are provided shared time instruction by public school teachers in art, remedial and enrichment mathematics, music, physical education and remedial and enrichment reading during regular school hours. Prior to the provision of this shared time instruction no similar classes of instruction had been provided such students by the Catholic schools they attend. Regular courses in reading and mathematics continue to be provided students attending such Catholic schools by the Catholic school apart and aside from the shared time remedial and enrichment classes. What the shared time program provides that was not present before is the presence of a teacher who is a specialist in these subject

matter areas. The specialist provides more expertise in specific lesson planning, teaching techniques, and the use of a wider range of instructional tools and materials. Prior to the shared time program the regular classroom teacher, who we may describe as a generalist, provided the whole range of classroom instruction. The shared time specialist is used to supplement the regular level of instruction provided by the classroom teacher. By employing this auxiliary educational technique students in need of particular and expert assistance or students having abilities not reached by their ordinary classroom instruction are given the attention and skilled instruction focused on their needs and abilities.

9. The same facts are true with respect to the provision of instruction in these schools in the subjects of art, music and physical education. Classes were provided in some of these schools prior to shared time in these general subject areas, but they were provided irregularly, were taught by a generalist or a volunteer parent without a planned curriculum and the expertise and specialists in these respective fields provided the school children presently through the public school shared time classes were simply not there. In almost all cases, for example, in the field of physical education, the classes consisted of a period of relatively unsupervised recreation. Participation by the school children in the former sporadic effort to provide through relatively unspecialized or volunteer personnel some minimal experience in the named fields (where any experience was, in fact, provided at all) must be contrasted with the present shared time classes which provide a professional organized undertaking by a trained specialist in the area following a developed curriculum designed to move the school child towards an established goal. Shared time courses provided after school in the Catholic elementary schools were not previously provided to students there by those schools.

[Jurat and signature omitted in printing]

**Excerpt from the Sworn Offer of Proof of  
William Critter, Superintendent of the  
Grand Rapids Christian School Association**

• • •

2. Grand Rapids Christian High School is accredited by the North Central Association of Colleges and Schools as well as by the University of Michigan, Bureau of School Services, School of Education. To gain and maintain such accreditation, Grand Rapids Christian High School must and does meet the standards of accreditation established by those accrediting organizations.

3. Shared time classes are provided by public school teachers in leased classrooms at the following elementary schools in remedial and enrichment reading, remedial and enrichment mathematics, outdoor education and physical education:

Creston Christian

Seymour Christian

Millbrook Christian

Sylvan Christian

Oakdale Christian

Prior to the provision of those classes by public school shared time instruction, no similar classes or instruction had been provided in those schools. With respect to physical education, the above schools had had classes prior to shared time but those classes were dissimilar in content and curriculum from that provided by the public school classes. Public school shared time classes provide a broader program and more complete experience for all the students, including such additions to the subject matter as racketball at Millbrook Christian under the expanded program of shared time physical education courses.

[Jurat and signature omitted in printing]

Excerpt from the Sworn Offer of Proof of  
Kraig C. Johnson, Principal of Immanuel-  
St. James Lutheran School:

\* \* \*

#### SHARED TIME CLASSES

4. The shared time classes are provided through the Grand Rapids Public School at public school facilities and in leased classrooms controlled by the public school in nonpublic sites. Immanuel-St. James students participate in outdoor education (K-8), physical education (K-8), art (K-8), music (5-8), and Spanish (5-8).

\* \* \*

6. The teachers teaching the shared time classes are regular employees of the public schools and are subject to the supervision of the public school administrators. The materials employed in the shared time classes are provided by the public school. Such material and textbooks are free of any religious reference. Contact between the supervisors of the shared time program and this nonpublic school administrator is infrequent and casual. The public school administrators never intrude upon the nonpublic school and its educational program or instruction. I exercise no control over public school shared time teachers.

7. Shared time classes did not arise out of any crisis or institutional need of Immanuel-St. James Lutheran School. Rather, shared time classes were begun by the public school board of education as a means of providing students, who were children of resident taxpayers in the community, with enrichment or supplemental educational offerings which they would otherwise not have had available to them.

8. The shared time classes provided by the public schools are enrichment or supplement classes. None of the shared time classes are part of the core curriculum of Immanuel-St. James School. They are not part of the essential curriculum to be taken by the students at Immanuel-St. James to be promoted from level to level or to graduate from the eighth grade from our schools.

9. Prior to the availability of outdoor education and Spanish through the shared time program, Immanuel-St. James School did not provide these enrichment activities for the students due to lack of financial resources and/or teacher expertise. Prior to the shared time program, art, music and physical education were provided by the Immanuel-St. James classroom teachers to the best of their ability. These same classroom teachers still provide some art, music and physical activities within the educational program. However, time spent in these educational activities is now limited.

10. Immanuel-St. James School has existed as a school since 1971. The school will not cease to exist whatever the outcome of this situation. However, the shared time classes provided by the Grand Rapids Public School at public and nonpublic sites (Immanuel or St. James) have proved to be of great benefit to the student. With the shared time classes, the students have had enrichment and supplemental opportunity being offered that they would not have been exposed to otherwise.

#### ORGANIZATION AND GOVERNMENT OF IMMANUEL-ST. JAMES SCHOOL

11. Immanuel-St. James is a ~~quality~~ because of the joint efforts of the lay members of Immanuel and St. James Lutheran congregations in Grand Rapids. The school was estab-

lished and maintained through the authority of the Voters' Assembly of each congregation. The Voters' Assembly is made up of the lay people holding church membership in the two congregations. The Voters' Assemblies authorized and established a joint board of education as their administrative agent, to direct and conduct the affairs of the school as defined in the constitution and bylaws. The joint school board of education consists of three elected lay members from each participating congregation. The lay members of the joint school board are nominated from the congregational membership of each respective congregation and are elected to their position by the Voters' Assembly of each congregation. The joint school board members have the responsibility of operating the school and properly representing the interests of the school to their respective congregations. The day-to-day operation of the school is subject to the policies established by the action of the joint school board. Thus, the principal reports and is responsible to the joint school board concerning school matters.

12. Immanuel-St. James Lutheran School admits student of any race, color, national and ethnic origin to all the rights, privileges, programs and activities generally accorded or made available to the students at the school. Immanuel-St. James does not discriminate on the basis of race, color, national or ethnic origin in the administration of its educational policies, admissions policies, and other school administrated programs. Children of other religious preference are openly accepted unless attendance would cause conflicts for the student due to the religious philosophy of the Lutheran school.

13. Members of the sponsoring congregations are given first opportunity to enroll their children. Children of non-member families are accepted on the following basis and availability of space:

1. Children from sister congregations of the Lutheran Church, Missouri Synod;
2. Children from other Lutheran churches;
3. Children from other Christian churches;
4. And others who desire a Christian education.

As a practical matter it has never been necessary to apply this standard of attendance preference. In fact, availability of space within the school has not presented a problem for a number of years. The school has had openings in all its levels or grades. Remaining space in the school has been and is accordingly open to all without regard to the religious affiliation or racial background of the student or his parents.

#### **PURPOSE AND THE PLACE OF RELIGION IN IMMANUEL—ST. JAMES SCHOOL**

14. The primary purpose of Immanuel-St. James Lutheran School is to educate its students in the secular subjects in accordance with the requirements of the State Board of Education, under the laws of the State of Michigan. In addition, we willingly subscribe to the Common Goals of Michigan Education. The secondary purpose of Immanuel-St. James is to provide a Christian community for its students in which they may learn and develop intellectually, emotionally, socially, physically and spiritually. The teaching of the Bible is part of the curriculum as perceived by the Lutheran faith so that, for those who freely accept these teachings, life may have an additional meaning.

15. Immanuel-St. James Lutheran School includes prayer and religious instruction during the normal school day. In addition to the daily formal study of the faith and daily

devotions, the students and staff assemble once a week or on days of special religious significance for a devotional service. Religious services are not conducted on a daily basis. Students in the school are expected to be present during religious instruction and services. The degree to which any individual student (Lutheran or non-Lutheran) participates in these classes or services is a matter of his or her own free choice based on his or her own conscience.

16. Confirmation classes, which have traditionally been part of the 7th and 8th grade curriculum, are held one morning out of the week for those who anticipate membership in our two supporting congregations. Non-member children are expected to attend these classes to achieve a greater understanding of the Bible as understood by the Lutheran faith. No child, whether Lutheran or otherwise, is coerced or forced to accept or believe the Lutheran faith. They are, however, encouraged to search the Bible and their being to better understanding the nature of their personal values. The inculcation of religious truths would be repugnant to our religious faith. Belief in God is a gift of God and cannot be inculcated.

#### RELIGIOUS AND SECULAR EDUCATION

17. Parents who enroll their children at Immanuel-St. James are advised in advance of the religious aspects of the school program. They are aware that daily religious instruction and periodic religious services are included within the curriculum and the educational program of the school. Parents of the Lutheran faith have always wanted their children to attend and participate in such religious instruction and services. Likewise, parents of other faiths give their approval for their children to attend and participate in the religious instruction and services as school experience demonstrates.

18. It has been the policy of Immanuel-St. James School Board that all families who belong to either of the two supporting congregations and have children attending Immanuel-St. James School should be in and maintain active fellowship with their own Christian Church. The emphasis in this statement is on *should* be, not must be. It is our position that the home, school and church can be of great assistance to each other in the development of the child into a total person.

19. Teachers are selected for their expertise in a particular academic area and/or level. They are usually graduates from one of our synodical colleges and are of the Lutheran faith. But this is not an absolute. For example, one of the five teachers presently employed by the school received her teacher training at a state college in Michigan. The joint school board does require teachers to be members of the supporting congregations.

20. Immanuel-St. James Lutheran School does not exist as some form of a recruiting station for the Lutheran Church. The school exists to provide each of its students with the best possible education, an education that is totally integrated with secular subject matter, social understanding and religious orientation.

21. Shared time teachers are selected by the public school system. Immanuel-St. James School does not have any opportunity or input to help in the selection of public school shared time teachers who provide services in the school. In fact, we know very little about the shared time teachers.

22. The other subject areas in the curriculum (other than religion) are provided at Immanuel-St. James School and taught in a manner as to educate the student in the particular subject. No secular subject is taught in such way as to indoctrinate the student.

trinate the student in a particular religious belief. However, teachers do address religious and moral questions that arise when they are relevant to the subject matter being taught but this is never done in a manner which would distort or intrude in the secular subject matter with irrelevant religious issues.

[Jurat and signature omitted in printing]

Excerpts from the Sworn Offer of Proof of  
Robert Hornberger of the Michigan  
Department of Education

The undersigned, Robert Hornberger, if called upon to testify in the above entitled cause, would testify under oath to the following facts:

1. I have been the Director of the Department Services Division of the Michigan Department of Education for the past fourteen years. In that capacity, I supervise the distribution of state school aid to school districts pursuant to the statutory allocation formulas enacted by the Michigan legislature. I have acquired the facts contained herein during the course of my employment in such capacity.
2. In 1976 PA 451, § 1282; MCLA 380.1282; MSA 15.41282 the legislature has provided:

"The board of a school district shall establish and carry on the grades, schools, and departments it deems necessary or desirable for the maintenance and improvement of the schools, determine the courses of study to be pursued, and cause the pupils attending school in the district to be taught in the schools or departments the board deems expedient."

Local boards of education have discretionary statutory authority to provide shared time instruction to part-time public school students pursuant to 1976 PA 451, § 1282, *supra*, and *Traverse City School District v Attorney General*, 384 Mich 390, 411, n 3 (1971). At the time of the Michigan Supreme Court decision in *Traverse City School District v Attorney General*, *supra*, in 1971, sustaining such practice, some Michigan school districts were providing shared time classes on premises leased from nonpublic schools. In *Citizens to Advance Public Education v State Superintendent of Public Instruction*, 65 Mich App 168; 237 NW2d 232 (1975), *lv app den*, 397 Mich 854 (1976), it was held that the provision of shared time instruction on premises leased from nonpublic schools by the Center Line, Bay City, and Warren Consolidated school districts was in conformity with the Michigan and United States Constitutions. In 1976 PA 451, § 331(1), MCLA 380.331; MSA 15.4331, the legislature has provided:

"The school district shall be a body corporate, governed by a board of education; may sue and be sued; and may take, hold, lease, sell, and convey real and personal property, including property outside its corporate limits, and property received by gift, devise, or bequest, as the interest of the school district may require. Land outside the school district shall not be acquired unless approved by a 2/3 vote of members elected to and serving on the board."

Pursuant to 1976 PA 451, § 331, *supra*, a second class school district such as the defendant school district herein has the authority to lease real and personal property, including property located outside its corporate limits. Based on its administration of sections 1282 and 331(1) of 1976 PA 451, *supra*, the Department of Education makes state school aid payments to the defendant school district for part-time public school pupils receiving shared time instruction on leased premises located outside the school district.

3. In 1979 PA 94; MCLA 388.1601 *et seq.*; MSA 15.1919 (901) *et seq.*, § 6(1) and (2), copy attached as Appendix A, the Michigan legislature has recognized part-time membership or attendance in the public schools as a basis for distributing state school aid funds to school districts and expressly provided that school districts may count nonresident, nonpublic part-time pupils in membership without the approval of the school districts of residence of such pupils.

4. The administrative rules promulgated by the State Board of Education pursuant to 1979 PA 94, *supra*, define part-time public school pupils and set forth the rules for computing part-time membership in the public schools for purposes of distributing state school aid to school districts for pupils in part-time public school attendance. (See, respectively, R 340.6 and R 340.7, Administrative Code 1979, Vol II, pp 2732-2733, which are attached hereto as Appendix B and Appendix C). In R 340.6, *supra*, one of the six categories of part-time public school pupils that may be counted in part-time membership for purposes of state school aid payments to school districts is nonpublic school pupils who are also enrolled in and attending the public schools on a part-time basis.

\* \* \*

6. In 1979 PA 94, *supra*, § 111(3), a copy of which is attached hereto as Appendix E, the Michigan legislature has appropriated an additional allowance for nonpublic, nonresident pupils in part-time public school membership in recognition of the lack of uniformity between public school district boundaries and the attendance boundaries of nonpublic schools. In light of the additional allowance appropriated in § 111(3), school districts are neither required nor authorized to charge tuition for nonpublic, nonresident pupils in part-time membership.

7. Since the decision of the Michigan Supreme Court in *Traverse City School District v Attorney General*, *supra*, some Michigan school districts have contacted personnel in the Michigan Department of Education concerning the possibility of holding shared time classes on premises leased from non-public schools. When consulted, Michigan Department of Education personnel have told local school officials that they may provide shared time classes on premises leased from non-public schools under conditions of public school control, as a public school open to all eligible to attend the public school, in conformity with the decision of the Michigan Supreme Court in *Traverse City School District v Attorney General*, *supra*. Subsequent to the decision in *Americans United for Separation of Church and State v Porter*, 485 F Supp 432 (WD Mich, 1980), school districts inquiring about shared time on leased premises have also been made aware of such decision.

8. I have not observed any political controversy in terms of attempts to change the statutes and administrative rules that provide school districts with the discretionary authority to provide shared time instruction on premises leased from nonpublic schools and receive state school aid payments for part-time public school students who are also enrolled in nonpublic schools.

[Jurat and signature omitted in printing]

**APPENDIX A**

[PUBLIC ACT NO. 134]

§ 15.1919(906) Membership.] Sec. 6. (1) "Membership", except as otherwise provided in sections 56 and 62, means the number of full-time equivalent pupils in grades K to 12 actually enrolled and in regular daily attendance on the pupil membership count day as determined by the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board. In a district operating an extended school year program approved by the state board, a pupil enrolled, but not scheduled to be in regular daily attendance on the pupil membership count day, shall be counted. The department shall give a uniform interpretation of full-time and part-time memberships. The state board may provide a district with an adjustment of the district's membership count upon the showing of a substantial increase in membership due to the closing of a nonpublic school after the pupil membership count day.

Pupil; district of residence, approval by district.] (2) "Pupil" means a person in membership in a public school. A district must have the approval of the pupil's district of residence to count the pupil in membership, except approval by the pupil's district of residence shall not be required for adult [or non-public] part-time pupils or for those pupils who were enrolled and in regular daily attendance and remain enrolled and in regular daily attendance in the district other than their district of residence before April 1, 1981.

**APPENDIX B**

R 340.6 Part-time pupils.

Rule 6. A resident or nonresident pupil enrolled in a school district on the count dates, attending classes which comprise less than a full course of instruction for a full-time pupil and earning credit toward a high school diploma, may be counted in part-time membership. The following pupils are included:

- (a) A postgraduate pupil who has received a high school diploma and who returns to high school to take additional work for credit.
- (b) A nonpublic school pupil enrolled in a nonpublic school and also enrolled in and attending the public school on a part-time basis.
- (c) A pupil enrolled in the school district and attending regular day or evening school classes.
- (d) A pupil enrolled in the school district in apprentice or on-the-job training programs approved by the state board of education. A minimum of 4 clock hours of supervised instruction per week shall be provided each apprentice or on-the-job training pupil.
- (e) A pupil enrolled in a practical nursing program approved by the board of nursing and the state board of education.
- (f) A pupil enrolled in the school district and attending adult basic education or adult school programs leading to graduation from high school.

## APPENDIX C

### R 340.7 Computation of part-time membership.

Rule 7. (1) A part-time pupil in membership on the count dates is counted in membership in the amount computed on the pro rata basis provided in the following subrules. An adult part-time pupil, 18 years of age or older as of September 1 of the school year, is not required to receive instruction on each of the minimum 180 days of school. A part-time pupil in membership shall not be counted as more than a full-time pupil in membership.

(2) The prorated membership for a pupil taking instruction in grades 1-12 is computed by applying a ratio which is the relation between the number of clock hours per week spent in classes for which credit may be earned in a public school and 25 clock hours per week.

(3) The prorated membership for a pupil, regardless of age, attending grades 1-8 and taking instruction in adult basic education programs which provide instruction in primary level mathematics, communications, and related skills is computed by applying a ratio which is the relation between the number of clock hours per week spent in class for which credit may be earned in a public school and 25 clock hours per week.

(4) The prorated membership for a part-time pupil, 18 years of age or older on September 1 of the school year, taking instruction in adult high school completion programs in grades 9-12 is computed by applying a ratio which is the relation between the number of clock hours of student instruction received and 480 clock hours of instruction for the school year.

(5) The prorated membership for a post graduate pupil taking academic or vocational-technical courses that would nor-

mally be credited toward high school completion is computed by applying a ratio which is the relation between the number of clock hours of student instruction received and 480 clock hours of instruction for the school year.

(6) The prorated membership for a pupil in an apprentice or on-the-job training program is computed by allowing 2/5 membership for each pupil enrolled in such program.

(7) The prorated membership for a pupil in a practical nursing program is computed by allowing 1/2 membership for each pupil enrolled in such program.

(8) A pupil enrolled in and attending classes in more than 1 school district shall be counted as a part-time member by each school district, but the total of the part-time memberships shall count for not to exceed 1 full membership.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMERICANS UNITED FOR  
SEPARATION OF CHURCH  
AND STATE, et al,

Plaintiffs,

v

THE SCHOOL DISTRICT  
OF THE CITY OF  
GRAND RAPIDS, et al,

Defendants.

No. G 80-517

MONDAY, MAY 17, 1982  
(Vol. VB)

Excerpt from the trial testimony of  
DR. ELMER VRUGGINK, having been duly sworn

\* \* \*

(Direct Examination by Mr. Dilley)

[Vol. VB 921] Q All right. Now, does the lease cover only the shared time program you offer or does it cover also the community ed program that you may have in the same school?

A Covers all the programs we have.

Q Both shared time?

A Yes.

Q And community education?

A Yes.

Q So the lease is the instrument by which the Grand Rapids Public Schools have gained entrance to these particular buildings, is that right?

A Yes.

\* \* \*

[Vol. VB, 944] Q And, what is your — why do you do this?

A Well, we do it, we do it first of all because we have a service to offer for — generally for people in the State of Michigan and we do it in a cost effective way such that it will generate revenue for us that will more than take care of the program.

Q So, you receive state school aid for those programs?

A Yes.

Q Including the program offered in the non-public school [945] buildings?

A Yes.

Q And, the amount you receive from the state in state aid more than covers the cost to you of extending those programs?

A Yes.

\* \* \*

[Vol. VB, 945] Q For the programs that we have been talking about in shared time, do you receive altogether about three million dollars in state aid?

A The state portion?

Q Yes.

A It's approximate.

Q And, would that be for about 3,000 full-time equivalent students?

A Yes.

\* \* \*

TUESDAY, MAY 18, 1982

(Vol. VI A)

Dr. Elmer Vruggink (continued)

[Vol. VI A, 985] Q And did you say that the courses in shared time that are taught in such a leased facility are also available in all of the buildings that are owned and operated by the Grand Rapids Public Schools, such as Mulick Park?

A All of the same courses?

Q Yes.

A Are you talking now about the — which part of the program?

Q Shared time.

A Shared time? During the day? [986]

Q Yes.

A Okay, yes. It would be pretty much if we offer physical education to get at a specific example, if the curriculum that we also offer with a public school teacher at all of the other sites.

Q So that the same class, we'll say, we'll call it remedial reading, just for these purposes, that same class is available at Mulick Park and at Immaculate Heart?

A There would be, yes, the types of programs we offer in the non-public shared time are the classes, the curriculum that we offer in the public schools, as well.

Q All right. And the same class, we'll call it, again remedial reading, is also available at Sylvan Christian, is that right?

A Yes. If it's accepted by the — when we make the offer, if it's accepted by them, then it's — remedial reading bothers me a little bit because it's an individualized diagnostic type program in terms of remediating difficulties and sometimes the techniques you use in it may be a little different. That's why I'm hesitating on that particular example.

Q Well, in any of the classes that we're talking about, whether it's remedial reading or math, remedial math, we'll call it or art —

A Yes.

Q — music — [987]

A Yes.

Q — they are conducted by teachers that go around from one school to the other, isn't that right?

A Yes. In those cases they would be the same program.

Q Exactly the same?

A Yes.

\* \* \*

[Vol. VI A, 1032] THE COURT: As far as your shared time program during the regular school day, are there any programs offered in private schools that are not offered in public schools?

THE WITNESS: No.

\* \* \*

[Vol. VI A, 1054] THE COURT: As to these programs and inasmuch as you have the burden of proof, the point is being made that you have not sustained that burden of proof by establishing the *prima facie* case with respect to those three programs.

MR. DILLEY: That's true.

THE COURT: You agree to that?

MR. DILLEY: I do.

THE COURT: The Court grants the Motion of the Defendant school district with respect to the outdoor education program, the drown proofing program, the drivers' education program. Motion for a directed verdict with respect to those programs is granted.

\* \* \*

WEDNESDAY, MAY 19, 1982  
(Vol. VII A)

(Direct Examination by Mr. Farr)

[Vol. VII A, 1070] Q For the purposes of the record, would you just quickly read into the record the first three short paragraphs there, please, what the philosophy of the board is.

A "The Grand Rapids Board of Education is committed to providing for each student, an equal opportunity for a quality education. Education is an endeavor or process which seeks to develop an excellence of mind, spirit and attitude which man so uniquely is capable, and able to reach the ultimate goal, the happiness and fulfillment of each individual and welfare of society.

"The board recognizes that no two students are alike. They have differing needs, differing abilities, differing aspirations. The board seeks the fully developed individual maximizing his potential talents and interests.

"The board is concerned for the exceptional child, and will provide opportunities for both the talented and the handicapped."

\* \* \*

[Vol. VII A, 1097] Q \* \* \* What do you mean as the deputy superintendent for the Grand Rapids Public Schools by the term shared time?

A Shared time, \* \* \* I would characterize as an offering for youngsters in the non-public schools, a supplemental, secular education program. And, I think the word supplemental implies non-core type subjects.

Q When we use the term shared, what do we mean as between public and non-public?

A Well, it's shared in that we, the teachers, can be part of the public school teachers, obviously, and the time that a non-public school youngster is in school is shared between the public school and his regular core program in the non-public.

Q Can you tell the Court, please, why did the Grand Rapids Board of Education undertake what we now know as shared time?

A I think there is a variety of reasons, some we have spoken to. One is our philosophy of education, as we indicated earlier, which is to offer programs for this total [1098] community for all people who want an education and use our services, I would say that's one of the reasons.

I think secondly this is a unique community. It is a unique community in that we have a very large number of people who choose to send young people to non-public schools and I think that that basically is the philosophy.

\* \* \*

[Vol. VII A, 1101] A Yes. I indicated in the definition of shared time, it is offered specialized classes, I might have added that in many cases we take a specialized teacher and in this case, we have people who are trained in those particular areas who go in there, they are art teachers and go in and teach a systematic curriculum of the Grand Rapids Public Schools and are told at the time when they started it, that they are public school teachers in leased facilities teaching a public school curriculum.

Q Is that also true with regard to the math, the music and physical ed as far as these people being specially trained over and above the usual background that a teacher has?

A Yes.

\* \* \*

[Vol. VII A, 1112] Q (MR. FARR) Dr. Vruggink, you outlined earlier the community ed program, and we have heard more specific testimony from others in the record be-

fore on the after school program, et cetera. Taking the elementary level, K through 6, the after school community ed courses offered at non-public sites, is there a term that is used to describe the nature of those courses?

A It would be primarily we call them leisure time or enrichment classes.

Q All right. By and large, I realize that there may be exceptions in different schools, public schools as well as non-public schools, but by and large, are the same type of programs offered at public schools K through 6?

A Yes.

\* \* \*

[Vol. VII A, 1113] Q How does that occur? I mean, we have already established there is no before school community education school at Ottawa High School or any after education community programs at Ottawa. How is it then you can say to the Court that same type of course is available to a student at a public high school such as Ottawa, Creston, or whatever?

A Well, in a couple ways. The main way being that our choice, our curriculum is much wider, much broader than a regular program. A youngster has a chance to take most of those programs from our regular course offerings, and as well, having a choice of taking it in the evening adult ed program.

Q Now, with regard to the elementary level, again, K through 6, the community ed courses offered, would you tell the Court generally speaking the duration, the length of those courses, and by that I mean when they start in the fall and when they end?

A They generally have a short duration. They could be eight weeks, some of them 12 week type courses. It depends

on the nature of the course. If it's a type of leisure class, it could even be as small as four weeks in some cases.

Q Now have the after school community ed program been offered at the public schools for a number of years?

A Yes. When we did community ed as far back in the '70s as I can remember.

\* \* \*

[Vol. VII A, 1133] Q Now, at my request also on page two, this you prepared before the Court's ruling yesterday regarding drown proofing, et cetera, so at my request though before knowing the Court's ruling yesterday and using figure 3,000, why did you depict the number 3,000?

A 3,000 was approximately the number that is in the shared time program.

Q All right. Then, did you work through on page two the effect of losing, so to speak, those 3,000, how that would effect the income of the district?

\* \* \*

[Vol. VII A, 1134] A Yes. If you take the two pages, you can see there are certain parts of it the same. Obviously, by lowering on the 3,000, you have a new membership of 33,410 levied the same, the state equalized value is the same. But, the amount behind each child, since that denominator now is smaller giving you a bigger number behind each FTE, which in dollars is now \$38,491.00 given that example. So, when you follow the formula down again, you get exactly the same items on one, two and three, still you get the \$1,927.00. But, the proportion of local share changes because you have got a higher number here so that the deduct really changes, and this item now goes up to 1,193 given the example and the other to 734.

Now, you multiply again the state aid, all members, and the deduct now you see to this issue lies right there in number seven. Notice that no matter how much your total is, the local deduct still remains the same since you have smaller kids, the amount local appears to be larger, but the state aid portion, given the formula, drops considerably, and the effect of it is that your total now is around 64,689,000 or approximately a little less than six million dollars less paid in. That's what is so confusing on the formula and the issue. That, the state aid, that the amount you lose comes out of [1135] item six primarily even though people get confused because they think the local share goes up, the local portion goes up, the deduct item, but the number effect of it is you get that same number by multiplying 1,927 times the 3,000 students lost. And, the net effect of it is you lose 3,000 kids, you lose \$1,927.00 for each one, and that is monies that come from the state.

Q Okay. The bottom line number is what?

A The bottom line number is when you multiply this approximately five million, whatever it comes out, subtract the 64,389 from 70,159.

Q All right.

A That will be approximately the same as 3,000 multiplied by 1,927.

Q Okay.

A Because of the cents, it won't be exact.

\* \* \*

[Vol. VII A, 1139] Q Now, you have gone through the formula and advised the Court as to the amount of money generated from the state and also advised the Court that if 3,000 fewer students were included, what that would mean,

and we also have shown the Court here on Exhibit FF the amount of dollars allocated, budgeted, if you will, what we've been referring to as shared time programs, and obviously there is a difference between the amount shown on Exhibit FF and the amounts generated through the formula, am I correct?

A Yes, that's correct.

Q Now, speaking again to the Alexander situation or speaking generally, can you tell Judge Gibson, let's assume that those 3,000 students were lost for whatever reason, would there be then more services available to what we're characterizing as public school children, would there be the same or might there be less?

A I don't think there is any question there would be less given the conditions we have outlined here.

Q All right. Would you explain in however form you want to to the Court why that's so, because the inference is being made here that there would be more available for the public school children if this program was knocked out? On what basis do you say that there would be certainly no more or might be less available, say to [1140] schools like Alexander, if this program were stopped for whatever reason?

A Well, the explanation we went through shows that we would have reduced revenues, considerably reduced revenue as a result of losing 3,000 FTE's. That reduced revenue is like in several categories of programs. I indicated earlier in kindergarten, for example, if you separated it, brings in so many dollars per FTE. Elementary brings in so much. Secondary education, community ed, when you separate all of those, some of those have a revenue that exceeds actual cost and some have a revenue that is less than actual cost. Especially the special education is one that the revenue is far less than actual cost. So, it has to be picked up in other areas.

Remedial programs are the same way and some are programs where revenues exceed, kindergarten is one of those, and shared time is another one. Since you have revenues that exceed the actual cost, I recognize you have got indirect cost and a lot of charges to things that we don't have like myself and Dr. Dow and a lot of that you can rationalize. The facts are that you still have a program where the revenue more than takes care of the program, and therefore can be used in areas that are needy and it is on that basis I would say that if we lost additional revenue, we would have less services [1141] perhaps at schools like Alexander or other things had we not had it.

\* \* \*

[Vol. VII A, 1144] Q (MR. FARR) Dr. Vruggink, have you had certain, what I characterize as feedback from the community regarding shared time community education, whatever?

A Yes. We have occasionally through our public relations office do surveys of various kinds in the community. And, one I recall of doing a study years—or a couple of years ago dealt with the feeling about our shared time program, daytime shared time program. And, in that survey, I don't have it in front of me, I recall a high degree of acceptance of that program.

Q I show you what is in the tabbed book, Judge, it's tab is number 64 as far as the lettering, it's KKK, I show you that exhibit, Dr. Vruggink, and ask you if at page ten that survey is incorporated?

A Yes. That is the survey I was referring to.

Q It showed what, by way of approval? [1145]

A It shows that providing the non-public schools shared time services, 82 percent approval of the voters.

Q I believe that's on page ten?

A Page ten, yes.

Q I think maybe we covered this, maybe not, Dr. Vrugink, what we have described here as shared time courses, let's take them one at a time, K through 6th grades, the specialized in art, the specialized in music, the reading consultant, the math consultant, the physical education specialist, am I correct that the same courses that are taught to the shared time people are presented to the public school students?

A Yes, in most, in all cases in the elementary, they would generally have a public and a non-public school assigned, say a phys ed specialist.

Q What I'm getting at is, though, something more isn't being offered to non-public than the public school children are benefiting from?

A One of the criteria is just that, that we offer—do not offer more services than we have ourselves.

\* \* \*

(Cross Examination by Mr. Young)

[Vol. VII A, 1148] Q Dr. Vrugink, with regard to legal requirements for graduation or for course offerings, is the Michigan system of public and elementary and secondary schools marked by a high degree of centralized control in Lansing?

A No.

Q Has the legislature through the school code authorized local school districts with locally elected board of education?

A Yes.

Q And have those local board of education been given broad discretion to meet local needs by determining such things as graduation requirements and course offerings?

A Yes.

Q So would it be fair to say that the system of public elementary and secondary education is a decentralized system? [1149]

A Yes.

Q Now, turning specifically to the sources of various requirements which may be imposed for graduation or for course offerings, first I ask you, does the State Board of Education determine graduation requirements for public schools?

A No.

Q Does the State Board of Education determine graduation requirements for non-public schools?

A No.

Q Now does the State Board of Education determine what courses must be offered by public school districts?

A No.

Q Does the State Board of Education determine what courses must be offered by non-public school districts?

A No.

Q Now to the extent that there are legal requirements for graduation or course offerings, are those imposed on public school districts by the legislature?

A Yes.

Q And to the extent that there may be graduation requirements or requirements for course offerings regarding non-public schools, is the source of those requirements legislation?

A I don't know the entire answer on the non-publics, but I assume that they would be the same.

Q All right. Now has the Michigan Legislature required that [1150] physical education must be taken in order to graduate from a public school district?

A No.

Q Has the Michigan Legislature required that physical education must be taken to graduate from a non-public school?

A No.

Q Is it true generally that graduation requirements are determined by public boards of education?

A Yes.

Q And that in the non-public sector the graduation requirements are determined by non-public boards of education?

A Yes.

Q Has the Michigan Legislature required that any music course must be taken as a condition to graduation from the public school district?

A No.

Q Has the legislature required that any music course must be taken as a condition to graduate from a non-public school?

A No, not to my knowledge.

Q Has the Michigan Legislature required that any music course must be offered at any level by a public school district?

A No.

Q Has the Michigan Legislature required that any music course must be offered at any level by a non-public school?

A No. [1151]

Q Turning to art. Is there a requirement that art must be taken to graduate from a public school district?

A No.

Q Is there a requirement that art must be taken to graduate from a non-public school district?

A No.

Q Has the Michigan Legislature required that a public school district offer any courses in art?

A No.

Q Has the Michigan Legislature required that a non-public school offer any courses in art?

A Not to my knowledge.

Q Now let's turn to remedial reading. Has the Michigan Legislature required that remedial reading must be offered by a public school district?

A No.

Q Has it required that remedial reading must be offered by a non-public school?

A No.

Q Now, will you explain for the Court the differences between remedial reading instruction and regular classroom reading instruction?

A Remedial reading is primarily what I call falls within the compensatory portion again, if that can be the word, in that there are youngsters who for one reason or another are not [1152] reading up to grade level, and therefore, you look for the difficulty, you diagnose the difficulty, and then through the use of special people have a prescription to try to improve on that reading ability. That would be primarily teaching remedial reading.

Q So then remedial reading would involve smaller classes?

A Yes.

Q With individual diagnosis and prescription by specialists?

A Yes.

Q And then the students, this small number of students in a remedial reading class, you might expect to find each one of them working simultaneously on a different assignment on each individual's needs.

A Could be depending on the prescription.

Q Has the Michigan Legislature required that remedial math must be offered?

A No.

Q By a public school district?

A No.

Q Or a non-public school?

A No.

Q Would the differences generally between remedial math and regular classroom math instruction be the same as the differences between remedial reading instruction and regular classroom reading instruction? [1153]

A Pretty much the same.

Q Now the courses that have been described as offered in community education, the before and after school portions, leisure time and enrollment, are those courses that have been required by the legislature for graduation?

A No.

Q Or are they courses that have been required that the public schools must offer?

A No.

Q Or that the non-public schools must offer?

A No.

\* \* \*

(Cross Examination by Mr. Hubbell)

[Vol. VII A, 1161] Q As I understood your testimony, the shared time and community ed programs are offered generally to the non-public school systems or individual schools?

A Uh-huh.

Q For their acceptance or rejection?

A Yes.

Q It's up to them?

A Yes.

Q Are those programs offered to all of the various non-public schools in the district?

A They are offered to all of the people in the system. If it's community ed portion, if it's after school or if it's evening, it could be different. It may not be in every school in the evening or it may not be in the afternoon.

Q But the offer may be available at least as to shared time [1162] and the community ed afternoon courses?

A Yes.

Q And there is no preference shown to one type of school, non-public school, as opposed to another type of non-public school?

A No.

Q They are equally able to accept those courses?

A Yes.

Q Some decide not to, some take some and some take others?

A That's right.

\* \* \*

(Statement of Plaintiffs' Counsel, Mr. Dilley)

[Vol. VIII B, 1167] We don't claim in this case that courses that are being [1168] offered in the non-public schools are not available in the public schools. And, it disturbs me that we are cluttering the record and cluttering our case with exhibits that have nothing to do with the merits of the case.

\* \* \*

(Cross Examination by Mr. Dilley)

[Vol. VII B, 1184] A Well I don't like the word profit because we have many programs in a school system. As I indicated this morning, there are some programs where the revenue, if you broke them down, and you get as fine as you want, you can say kindergarten brings in \$1927, and you only spend so much, so that's profit, if you called it that. You could even take 1st grade and 2nd grade and 3rd grade and break it down into 45 different things. You could say remedial reading is this or that.

The facts are you have so much revenue generated out of all programs and you design as a staff and board the best program available.

Q I am not hung up on the word profit.

A Okay.

Q I am just trying to relate your revenues to your expenses and you told me that in this particular thing we are involved in in this case you do receive more tax revenues from the State of Michigan than the money that you expend for the same purpose, is that true?

A That's on the direct costs. I think I explained also this morning that many programs have allocated to them additional called indirect costs. If you want to take a portion of various programs, like business office, administration, my time, varieties of kinds of things, you can and probably ought to charge some of those against it. But we are looking at a budget here which is a direct cost budget, see.

\* \* \*

[Vol. VII B, 1186] THE COURT: I think, witness, what I would like to know is given the makeup of the program

and the financial arrangements and the way that the state reimburses the school district, is there an incentive to increase [1187] the shared time program part of the Grand Rapids school and has that worked that way in the past, increasing because of the way that the school district is reimbursed?

THE WITNESS: That's a difficult question, Your Honor. If that were true, then there would be certain programs we wouldn't want to run, remedial reading is an example. They are small classes. We have not turned down classes that are necessary that we have had to offer, even though taking that particular program by itself may have meant a disparity between revenue and expenses.

I think on that basis I would say that we have offered the program to all non-public schools and they have had the opportunity to select it.

In some cases there is a better, if you wish, revenue producing than in other cases. I cannot recall staff ever saying to me we shouldn't have this program because it won't bring in as much revenue as another. We try to look at the total program we have offered and to say this is the program we are offering and here are the schools that want to participate in it, I think it would be read that if there is a great disparity, yes, there would be an incentive. I do not recall that as a motivating influence, however, in the years that I have dealt with it.

(Cross Examination by Mr. Hubbell)

[Vol. VII B, 1196] Q Now, the criteria, again, for participating in Title I, the two criteria are what?

A The criteria for being under Title I target area, first of all, is an economic criteria. There must be significant num-

bers of children residing in given attendance areas to allow it to be a target area for economic purposes. Once that has been determined, then [1197] the law changes to educational deprivation or educational need. So then, you serve those that educational need within that target area.

Q So, it would likewise be true, I take it, that if a student transferred in from one public school within the district outside of the Aberdeen district into Aberdeen by virtue of his own application or his parents' application but did not come from a target area, that student would not be eligible for Title I services?

A That student is not eligible, if he is outside the target area.

Q And, in that respect, the same with respect to the student attending, let's say, Blessed Sacrament.

A Yes, at the time any public school, particularly, you cannot receive them until they are in the target area.

Q Are there other reasons besides not meeting those statutory criteria and particularly, I have in mind the question of sufficient funding, other reasons why not all of the students who might have educational needs not receive the Title I services?

A Well, what the extent, I think, of the legislation is to concentrate the dollars available within areas of greatest need. No one says that there aren't many other kids out there who have needs, but when the allocation is made, the State Department through the federal government, [1198] of course, indicates that you can only serve with these concentrations. And so, you line up all the schools and cut them off based on whatever the cutoff point is.

Q And, there might, in fact, be children who have even greater educational needs even though they don't come from a target area?

A That's correct.

Q May even, in fact, come from an economically deprived home?

A Yes, very much so.

Q But, you can only serve under the formula that could be devised or perceived in that fashion by Congress?

A Yes.

Q And, is that one of the reasons why shared time addresses remedial reading and remedial math?

A Yes. And added to the fact that the dollars available even when the target areas are not sufficient to do the whole job.

\* \* \*

THURSDAY, MAY 20, 1982  
(Vol. VIII A)

Excerpt from the trial testimony of John Young, having been duly sworn:

(Direct Examination by Mr. Farr)

[Vol. VIII A, 1320] A Approximately 20 days ago, 25 days ago, our office sent out a packet to each of the non-public schools. Included in that packet was the separate sheet or sheets explaining each of the shared time programs, i.e., outdoor education, math, reading, et cetera, to the non-public school. Also included in that packet, along with an explana-

tion of each of the programs were the guidelines for shared time programming and the non-public schools are asked to go through those sheets and to indicate on the sheets whether they wish to opt into the program for the following school year. When they do that, they not only let us know on a sheet that, yes, they would like to have the reading services next year, but they also let us know in the area of, for instance, physical education or music, how many students they will have, whether 23 3rd graders or 2 separate 3rd grades or whatever it is. So we can get an idea of how much, what kind of teaching staff we're going to need in the area of reading or math. They would indicate in the area of remedial reading how many teaching hours they will need in that level. Usually they put in four or five, whatever they think they are going to need, and we plan that way. If it's a new school that hasn't been with us before or if it's a school that opted into a program that has not before opted in, then I would either go myself—more likely I would ask one of the supervisors for that area to go, so that they could [1321] have the clear understanding of both the school and the supervisor of exactly what kind of service that we are going to need to provide there. Because many times they may ask for—they may not have a clear understanding of how we are going to deliver that remedial reading service and they might ask for more hours than the actual need of the school. When the form comes back, the forms come back from the various schools, I meet with all the supervisors for those various programs.

Q Such as Betty Rowlands?

A I met with Betty Rowlands for reading services. I met with Bill Oosse for outdoor math. I meet with Joe Leonardo or Tony Wagner for the physical education program, et cetera, and they would get all the forms for those various programs and they could plan on their teaching staff needs for the following school year.

Q Are they the people that, then, make the assignment of teachers?

A Yes, they would assign the teachers to the various schools. Prior to the start of the school year, I would contact the various schools to make sure, once I knew how many teachers we were going to need, and we would convert those into room needs, and I would contact the non-public schools to say I need such and such a room and they would make that room available leased to the Grand Rapids Public Schools.

[1322] Q At the beginning of this past school year, did you have orientation sessions with at least a good number of the people participating in the shared time program?

A Teaching staff?

Q Yes.

A Yes, I did.

Q And as part of that orientation, did you outline what I have been referring to as the dos and don'ts, as far as going onto a non-public site?

A Yes, sir, yes, I did.

Q And I believe it's Exhibit LLL which are the guidelines that others have spoken to so far in this trial. Are those the type of things that you go over with those people at that type of an orientation?

A Absolutely.

Q And I believe we have also previously have mentioned during the course of the trial, Exhibit GGG, which I believe is a memorandum by you to Dr. Vruggink reporting to him regarding those—or at least an orientation session?

A Yes, it was early in the, early after I took the present position I'm in now. It was more of a reaching an understanding between myself and my superior as to part of my job function.

\* \* \*

[Vol. VIII A, 1324] Q Can you advise Judge Gibson as to the number of teachers involved the—public school teachers employed by the Grand Rapids Board of Education that are involved in the shared time program?

A 131 contracted Grand Rapids Public School teachers.

Q Okay. We have had discussion during the trial of a good deal of discussion of the fact that if Catholic Central, West Catholic, Christian High School, before school or after school teachers in community ed program by and large work at those schools during the regular school day. Can you explain to Judge Gibson, please, how you go about, not only as far as the non-public schools but generally how you go about setting up a community education program?

A Based on—

Q You can draw on your experience having done that over the past few years from the Board of Education. [1325]

A Based on five years of experience in the community education program, and I might point out that when I was first hired by the Grand Rapids Schools, coming from a factory orientation, I expected to be hired, put into a classroom. When I took a job here in the school year '75-76, my first job was in a factory teaching in a supervisors training class. And I thought, what have I gotten myself into in this school system? But—

Q What factory were you teaching in?

A I was at Steelcase originally and I was at both Fisher Bodies teaching supervisors training classes. It was through a full semester before I ever saw a real classroom. Anyway, that kind of oriented me to this is not the usual education, educational system that I had formed opinions on and heard of as I had gone through my life. Well, anyway, when I got more oriented to community education, became an administrator of community education, I began a community education program. You have to realize that the entire program is completely voluntary. If you're a teacher at Aberdeen School, the kids in your area are going to come to school because they have to. And community education, no one has to go. It's voluntary. So a good deal of the program is to find a teacher. The teacher is the real key. You have to find a teacher that is very interested in teaching and also probably someone that the community as a whole or of a [1326] specific building, the audience that you're trying to reach recognizes that teacher as the expert in that field. . . . And then that person—and in community education I should also point out that once I have identified a teacher, we have kind of, we kind of form an informal contract with that teacher. We will send out, my office being community education of Coopersville, I would send out a brochure and advertise for that class but if only seven people signed up for industrial arts, that teacher is not going to teach for me.

Q Are there certain minimums of students before there will be a class?

A Yes, there are.

Q What is that number at this point in time?

A 12 this year. We don't run a class without 12 people in it.

\* \* \*

[Vol. VIII A, 1327] A So I don't see, in my experience of five years of community education, and every place I've been, I have used the people to teach my classes who were either located in the building that I was going to teach the class in or were very well known in the community as far as community wide and regardless of where you go.

\* \* \*

[Vol. VIII A, 1327] Q Have you found that to be true wherever you have organized community education programs?

A Because of the voluntary nature of the programs, if you want to have success in the program you really can't bring someone from someplace else that the people are not going to know, regardless of his qualifications, unless it's a particularly high interest class. The class is just simply not going to go. That's in my experience.

Q Now, I think we have touched on this before, but before any course in the community ed area is offered, am I correct that that course and material, course material has to be [1328] approved by you or somebody on behalf of the Grand Rapids Board of Education?

A We have a complete listing of the approved courses for community education by the Grand Rapids Board of Education. That's made available to teachers when we meet with teachers. We are going to go into a new building, meet a teacher, explain that to them, make it available to them. [1329]

Q As far as the community ed courses in the after school that were offered in the last few years, offered on non-public sites, the ones we have been hearing about during the course of this trial, were courses like that available at those sites before the community ed program was established at those sites?

A No, they weren't.

Q Is any community ed course that we have been talking about during the course of this trial to your knowledge required, a student must take one of those courses in order to graduate from his or her school?

A No.

\* \* \*

[Vol. VIII A, 1331] Q All right. And, can you advise Judge Gibson as to the number of schools? I'm just talking about in this question the elementary after school program, how many schools within Grand Rapids participating in that, and then can you give him a breakdown of public and non-public numbers?

A There are 64 schools in Grand Rapids participating in the after school elementary. You are asking elementary, that would be 61 schools, elementary. 34 of those would be public, 27 non-public.

\* \* \*

[Vol. VIII A, 1332] Q . . . Can you advise [1333] Judge Gibson as to what the dollar figure would translate into in terms of number of dollars that Grand Rapids Public Schools would not receive?

A Do you mean shared time?

Q Yes.

A It is my understanding the Grand Rapids Public Schools would lose six million dollars in state aid.

Q Now, at our request did you conduct what I will call a feasibility study having to do with rooms available or not available at the nearest non-public school to a given public school?

A Yes, I did.

Q Did you make a survey of the public schools in Grand Rapids to determine if, in fact, there was a room not being used that might be available for moving students from, say, a non-public school into that building?

A Yes. I asked—a letter went out to all the elementary public school principals of Grand Rapids through Mr. Bandy's office, who is the director of elementary education. It didn't come from me so its reference to shared time programming was not strong. They were asked in that letter to let Mr. Bandy know all the available, empty classrooms in their buildings during normal school hours.

The same letter went out to all secondary [1334] schools and secondary public schools in Grand Rapids through Mr. Dubinsky, executive director of secondary education, Grand Rapids Public Schools. When that letter came back to those two gentlemen, they relayed that to me.

Q Did we also ask you to make some determinations with regard to whether or not students do walk or would have to be bussed depending on the circumstances?

A Yes.

Q Did we also ask you to at least give your best judgment as to what the cost factor would be if the students were bussed?

A Yes.

\* \* \*

[Vol. VIII A, 1335] Q Now, on each one of these exhibits is there a cutout, so to speak, from a map of the City of Grand Rapids showing the geographic areas of the schools in question?

A Yes. The cutout is from a larger map that we have already seen.

\* \* \*

[Vol. VIII A, 1335] Q All right. Now, on this one it shows a distance, is that the distance estimated between Blessed Sacrament School and Aberdeen?

A Yes, it is.

Q You also show on there travel time of 15 minutes. Is that walking or how did you establish that?

A Anything under a quarter mile we assumed that the student could walk. And, if it's up to a quarter mile, it was [1336] five-minute to and five minutes from. If it was less than a quarter mile, we assumed they could get there and back in just five minutes. The other part of that 15 minutes is the class change time. The entire feasibility study deals in 15-minute times so we didn't get involved in fooling around with three and-a-half minutes. We just stuck with five minutes. If it was seven minutes, we stuck with five minutes. That gives them five minutes there and five minutes back. The remaining five minutes was to get to another class.

Q Now, you have on here the heading "program enrollment." Tell the Judge, please, what those figures represent.

A Program enrollment, this is current enrollment, students at Blessed Sacrament enrolled in art, 221; music, 221; physical education and so on, for a total of 748 children, although many of them are being served four times. That's your total enrollment.

Q All right. Then down here the heading "available public classrooms", and in this instance are there any available classrooms at Aberdeen School?

A According to the principal of Aberdeen School, he has no available, empty classes at any time during the day.

Q Am I correct, that you have shown on each one the nearest public school to the nearest non-public school?

A Yes. [1337]

Q You have a heading here, "lost instructional time". What do you mean, would you tell the Judge what that shows, please.

A It is the total enrollment in the context of contact, 748 contacts multiplied by each student's travel time, 15 minutes, and this will multiply out on a scale to 187 hours per week of lost instructional time. It's the time the kids are not in the classroom, they are walking back and forth or bussed back and forth.

Q When they are walking, the students, you show such things as child safety, such as supervision, what is the significance of that statement?

A Well, in this case, the very short walk, we are talking about a matter of minutes. Nevertheless, when children leave the public, non-public school building to come to a public school building, somebody has got to supervise them, and the question is, who is going to do that. What's that going to cost. We haven't done anything with it, obviously there, and in some situations we are talking about crossing major intersections and high traffic density areas. And, the question of children's safety certainly must be considered.

Q Let me show you two or three more, just by way of example. This is JJ-F and this one applies to Immaculate Heart of Mary, Mulick Park, am I correct? [1338]

A Yes.

Q And again, the total enrollment for Immaculate Heart is what?

A We calculated at Immaculate Heart and it was 1,837 actual contacts with public school teachers.

Q What was the result in terms of whether there was any empty space at Mulick that could be used?

A The principal at Mulick indicated she had no space at her school.

\* \* \*

[Vol. VIII A, 1338] Q This is JJ-A, this is Assumption and North Park. What did you find by way of availability there?

A Well, we have got one room available in—where from—we've got two rooms available on Monday and one all day long, one for three hours on Tuesday. We have got one available all day Wednesday, all day Thursday, all day too on Friday.

Q What is the distance between those two schools?

A Four miles.

Q And, in your judgment would that distance require bussing?

A Without a doubt.

\* \* \*

[Vol. VIII A, 1339] Q That's JJ-K, St. Adalbert-Stocking. Can you describe to us what would be available at Stocking?

A Monday through Friday Stocking had one room available two and-a-half hours a day. And, I believe that's available, in that case, because this particular year Stocking only had one kindergarten and so that's available. They are available, each one, each afternoon.

Q What is the distance, I realize it is approximate, what is the distance?

A The approximate distance is one mile. It would require bussing.

Q All right. Here's another one with something available. Let's do this, this is St. Isidores-Eastern. What is the availability situation as far as Eastern is concerned?

A Eastern has one room available on Fridays. It's available all day.

Q How many students are enrolled at St. Isidores as far as the shared time?

A I have got 521 student contacts per week.

Q What is the approximate distance between schools?

A One half mile. The room holds 30 children.

Q Mr. Young, did we ask you to please try and determine out of 131 shared time teachers or teachers employed by the [1340] Grand Rapids Board of Education that are involved in the shared time program, how many of those previously were employed by one of the non-public schools that we have had discussion about in this case?

A The 131 contracted Grand Rapids Public School teachers currently teaching in the shared time daytime programming, 13 of those teachers formerly were employed by the non-public schools prior to their becoming public school teachers. Three of those people in checking their records are not employed by the Grand Rapids Public Schools teaching in the same area that they taught at.

Q What do you mean by that?

A Well, for instance, if a teacher was teaching math at West Catholic, they are not teaching math at Grand Rapids Public Schools.

Q They teach in some other area?

A They are teaching in their certified area for us.

Q Have you had a situation where one or more of the persons formerly employed by one of the non-public schools then became employed by the Grand Rapids Public Schools but then were bumped out of those positions? Have you had that occur?

A Yes.

\* \* \*

[Vol. VIII A, 1343] Q (BY MR. FARR) Mr. Young, as a result of this study which I have characterized as a feasibility study, can you advise the Court as to whether or not it is feasible to think in terms of moving students from a non-public school facility to the public school facility for the services that are now being provided?

A It's not feasible to move all the students presently in the program to a public school.

\* \* \*

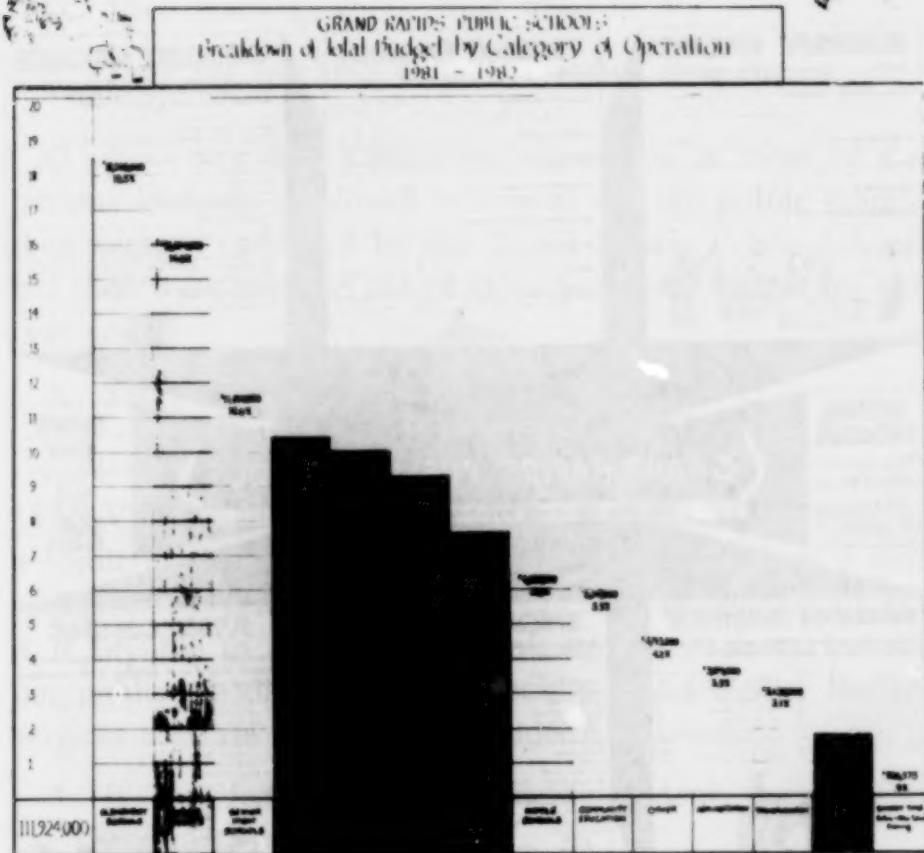
EDITOR'S NOTE

PAGES 195 THROUGH 289 WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

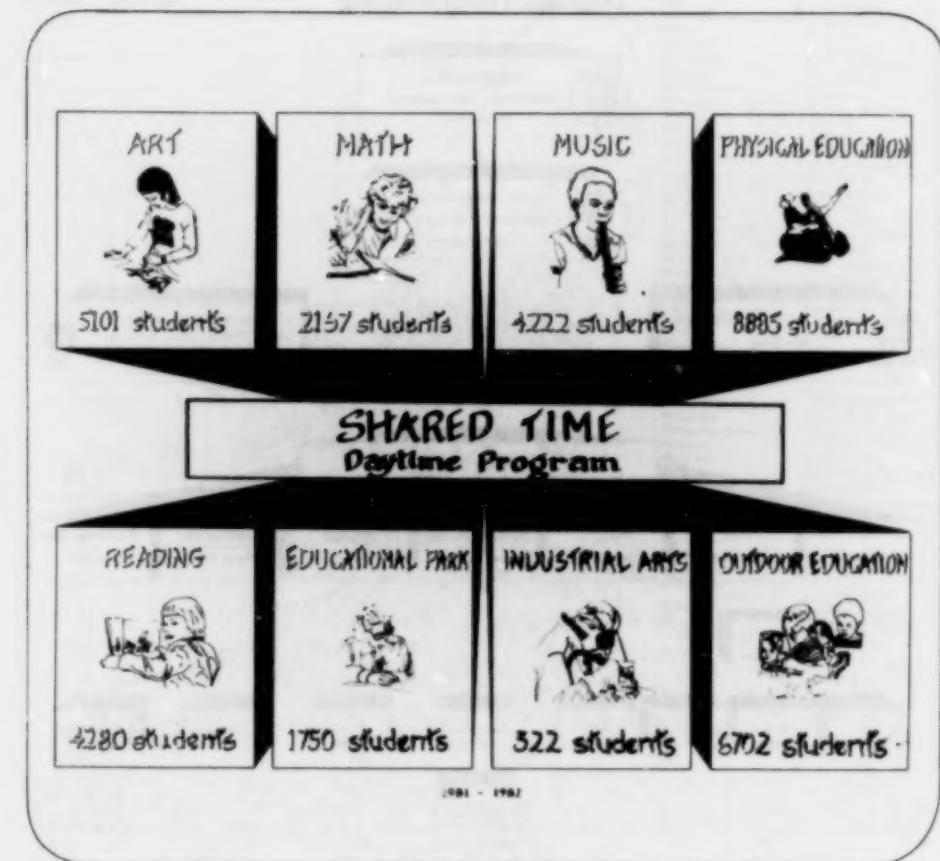
GRPS Ex EE

An advertisement for Grand Rapids Public Schools. It features a chalkboard-style background with the text "SPECIAL PROGRAMS", "GRAND RAPIDS PUBLIC SCHOOLS", and "SHARDED TIME". The central part of the ad contains the slogan "PROVIDING EDUCATIONAL OPPORTUNITIES FOR THE COMMUNITY". A small illustration of a person is visible on the right side.

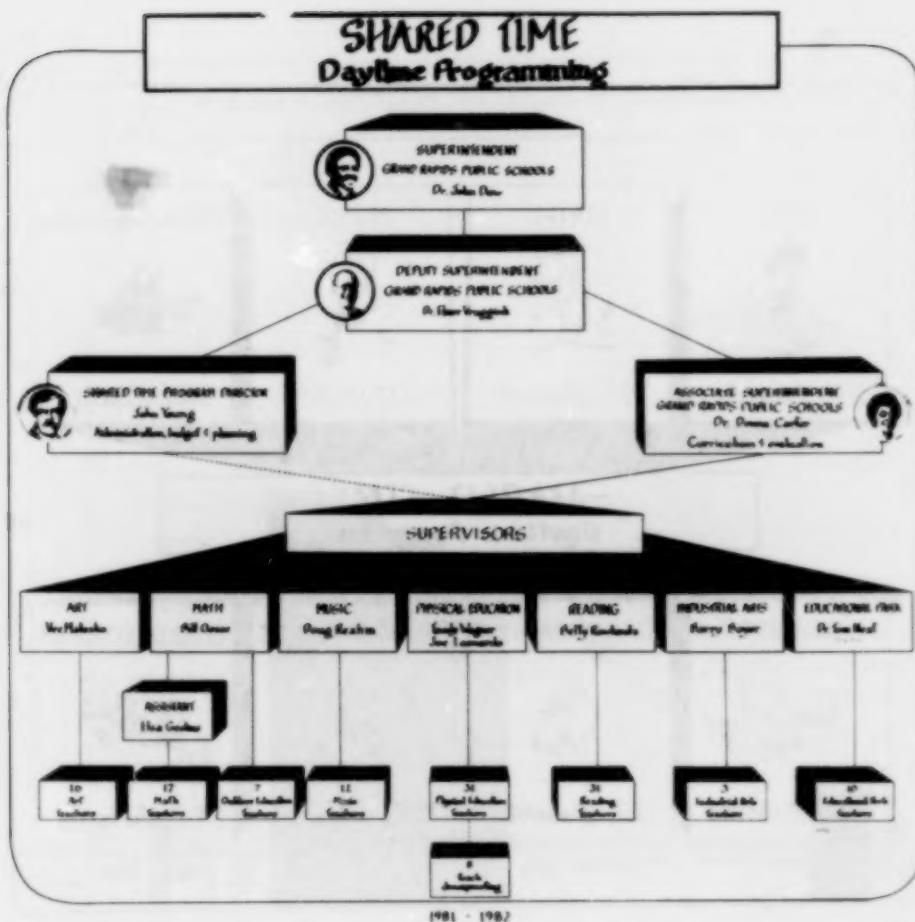
GRPS Ex FF



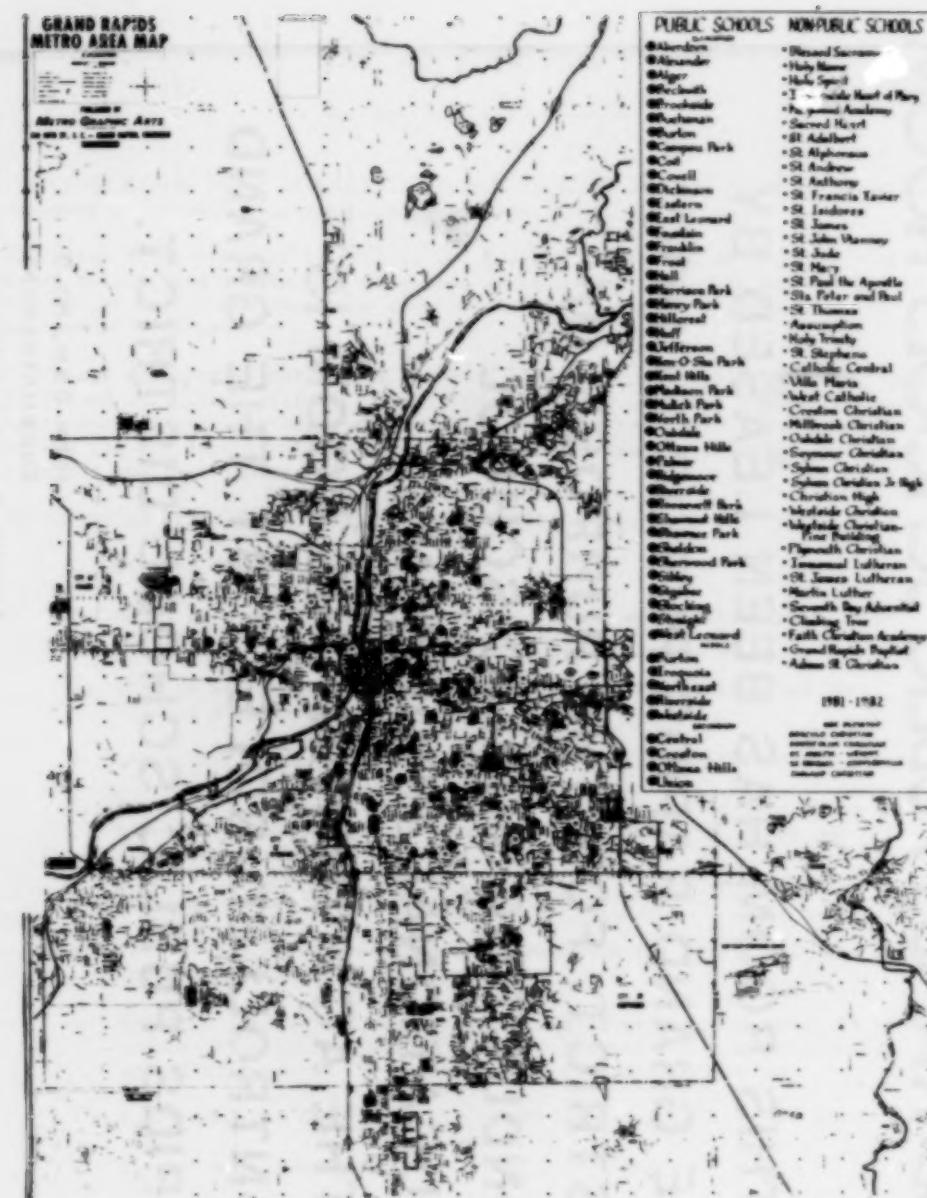
GRPS Ex GG



GRPS Ex HH



GRPS Ex JJ



# GRAND RAPIDS PUBLIC SCHOOLS' ROOM

THIS ROOM HAS BEEN LEASED BY  
THE GRAND RAPIDS PUBLIC SCHOOL  
DISTRICT, FOR THE PURPOSE OF  
CONDUCTING PUBLIC SCHOOL  
EDUCATIONAL PROGRAMS.

THE ACTIVITY IN THIS ROOM IS  
CONTROLLED SOLELY BY THE GRAND  
RAPIDS PUBLIC SCHOOL DISTRICT.

John Dow, Ph.D.  
Superintendent  
GRAND RAPIDS PUBLIC SCHOOLS

—200—

GRPS EX EEE

—201—

GRPS EX FFF

## PHILOSOPHY OF EDUCATION

### GRAND RAPIDS PUBLIC SCHOOLS

The Grand Rapids Board of Education is committed to provide for each student, an equal opportunity for a quality education.

Education is an endeavor or process which seeks to develop an excellence of mind, spirit, and attitude of which man is so uniquely capable and having as its ultimate goal the happiness and fulfillment of each individual and the welfare of society.

The Board recognizes that no two students are alike; they have differing needs, differing abilities, differing aspirations. The Board seeks the fully developed individual, maximizing his potential, talents, and interests. The Board is concerned for the exceptional child and will provide opportunities for both the talented and the handicapped.

Education in Grand Rapids Public Schools shall enable each individual to:

- A. Acquire the basic skills.
- B. Apply rational intellectual processes to the identification, consideration, and solution of problems.
- C. Develop a comprehension of a changing body of knowledge of the various disciplines.
- D. Learn good health and safety habits as well as muscle coordination.
- E. Experience an environment that will motivate and develop an inquisitive mind capable of critical and objective thinking and independent study.
- F. Progress toward a marketable skill.
- G. Realize the interdependence and common destiny of all citizens of the United States.
- H. Become a citizen who has a sense of self respect, who respects the person and rights of all others, who accepts the responsibilities and disciplines of our society, and who respects the law.
- I. Understand and deal with social problems thoughtfully and objectively.
- J. Have an opportunity for continuing education.

Education is a cooperative endeavor requiring reciprocal effort on the part of the teacher and student supported by the cooperation of parents and the community.

The Grand Rapids Public Schools shall utilize all available facilities and equipment to provide a healthful and stimulating educational environment. School facilities shall be used for the regular program, continuing education, and the community.

Policy Adopted: January 3, 1972

GRPS Ex HHH

AGREEMENT FOR LEASE OF SPACE  
FOR SHARED TIME PROGRAMS  
IN  
NON-PUBLIC SCHOOL BUILDINGS

This agreement made and entered into on the 8th day of September, 1981, between St. Alphonsus School with principal offices at 228 Carrier, N.E., Grand Rapids, Michigan 49505, hereinafter designated as LESSOR, and the Grand Rapids Public Schools, a school district of the second class, with principal offices at 143 Boatwick Avenue, N.E., Grand Rapids, Michigan 49503, herein-after designated as LESSEE.

Preliminary Statement

The Grand Rapids Public Schools has leased space from St. Alphonsus School to hold shared time secular classes. The leased property can be treated pro hoc vice as the property of the Grand Rapids Public School System, and is under the authority and control of the Public Schools, is operated by public school employees, and is open to all students eligible to attend public schools.

The parties have reached an understanding for the use of parts of the property and the facilities of Lessor by Lessee during the period while school is in session on scheduled school days during the school year. The Lessee will add necessary equipment to conduct classes, and the Lessor will have the privilege of using these for its purposes during the period of the lease with a right of removal on the part of the Lessee upon the termination of its occupancy. It is expected that mutual cooperation between the parties will solve problems encountered in actual operation of the plan.

Formal Agreement

In consideration of the foregoing and mutual promises of the parties, IT IS AGREED as follows: Lessor hereby leases to the Lessee commencing September 8, 1981 and ending June 18, 1982, academic classrooms, laboratories, or gymnasiums for the purpose of shared time educational programs.

1. Lessee shall pay the sum of six (\$6.00) dollars rent per class per week that school is in session. All additional rental, the equipment and furnishings of Lessee left at the premises during vacation periods may be used by Lessor for its purposes without charge.

2. Lessor shall provide and maintain the facilities above including all utilities, i.e., heat, electricity and water for use during the periods specified. Lessor shall supply heat sufficient to maintain the rooms at a comfortable and healthful temperature. Lessee shall use water and electricity reasonably for its stated purposes.

3. Lessee shall have control of the premises hereby leased during the periods above prescribed for its occupancy; subject, however, to such limitations and restrictions as herein otherwise provided. Any necessary modifications for health and safety as required by law will be the responsibility of the Lessor.

4. Lessee shall make repairs to its equipment and furnishings in said premises in the event of damage or destruction by fire or the elements or other acts of God. In the event of damage to the premises or equipment of Lessor caused by the agents of employees of Lessee, it shall make repairs thereof, ordinary use and wear of Lessor's property or equipment excepted.

5. Lessor shall make repairs to its premises or equipment in the event of damages by fire or the elements or other acts of God.

6. It is understood and agreed by the LESSOR that the LESSEE shall have exclusive control and administration over the physical premises subject to this lease, the curriculum, staff and students in the conduct of the public school on the premises of the LESSOR. This includes evaluation and the adoption of all rules and regulations relative to student conduct and course credit.

The staff conducting said public school shall be public-school employees and shall be subject to administrative control by the public school exclusively. All vacancies or temporary absences in staff assignments shall be filled by public-school employees.

All textbooks and supplementary materials required by the students shall be provided by the LESSEE. All rules and policies of the LESSEE applicable throughout the public school system, including the expulsion and suspension policies of the school district, shall be effective as to all students enrolled

in the public school on the LESSOR's premises. Enrollment in said shared time program shall be open to all eligible to attend the public school in accordance with the LESSEE's board policy.

7. Lessee shall not assign or sublet said premises nor make any improvements therein which might subject said premises to a mechanics lien without the specific written consent of Lessor.

8. Anything herein to the contrary notwithstanding, the Lessor shall be relieved from responsibility for supplying services in the event interruption thereof shall arise from inspection, repair, or replacement of facilities, or any event not within the control of Lessor.

9. Lessee will save and hold the Lessor harmless from any and all liability for damages to persons or property arising out of Lessee's use of the premises which are caused by the negligent action or failure to act by Lessee or its officers and employees.

10. This agreement shall be extended on a year-to-year basis unless either party notifies the other in writing that the agreement will be terminated on ninety (90) days prior to the end of the school year.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed, respectively by the officials legally authorized so to do, and their corporate seals to be affixed, upon the date above specified.

GRAND RAPIDS PUBLIC SCHOOLS

By Lawrence Jofeler  
Its President

By Daniel J. Bailey  
Its Secretary

ST. ALPHONSUS SCHOOL

By John M. Zeman

By \_\_\_\_\_

GRPS Ex III

AFFIDAVIT OF ROSEMARY ALLAND IN  
OPPOSITION TO PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION AND PLAINTIFFS'  
MOTION FOR SUMMARY JUDGMENT

STATE OF MICHIGAN }  
COUNTY OF KENT } ss.

Rosemary Alland, being first duly sworn, deposes and says:

1. I am President of the Board of Education of the Grand Rapids Public Schools.

2. I am making this Affidavit on behalf of the Board of Education of the Grand Rapids Public Schools in opposition to plaintiffs' motion for Preliminary Injunction and plaintiffs' motion for Summary Judgment, and further, if sworn as a witness, I can and could testify competently concerning the matters hereinafter set forth.

3. I have been a member of the Board of Education since July of 1969, and a resident of the City of Grand Rapids since June of 1967.

4. The Shared-Time courses and instruction offered by the Grand Rapids Public Schools have not been a politically divisive issue between the members of the Board of Education, nor has it been an issue in any school board election campaign, or in a school millage election campaign. I do not believe the Shared-Time program has been a divisive issue in the community. In fact, it is my belief that the program has been very successful and that it has been well received by the entire community.

5. The program itself is designed and intended to provide secular educational opportunities, on a supplementary basis, to all eligible students in the district who wish to participate and take advantage of such opportunities.

[Jurat and Signature Omitted in Printing]

GRPS Ex JJJ

**AFFIDAVIT OF JOHN YOUNG REGARDING  
1981-82 ELEMENTARY COMMUNITY EDUCATION**  
**DATED MARCH 26, 1982**  
(Caption Omitted in Printing)

STATE OF MICHIGAN }  
COUNTY OF KENT } ss.

Mr. John Young, being first duly sworn, deposes and says:

1. That he is presently employed by the Board of Education of the Grand Rapids Public Schools, a school district of the second class, as Director of the shared time program.
2. That if called to testify in this cause, he could testify competently and truthfully concerning the matters herein-after set forth.
3. That the attached Exhibit A contains a complete listing by course title, of every before or after school class offered by the Board of Education of the Grand Rapids Public Schools in the program, both for the Fall semester of 1981 and the Spring semester of 1982.

4. That, as a review of the Exhibit discloses, the nature or types of instructional opportunities offered and provided in the before and after school program in no way parallel the nature or type of the instructional offerings provided during the regular school day. Indeed, all of the courses offered on the elementary level represent "leisure time" courses, enrichment in nature. The same rule applies to many of the courses offered on the secondary level.

5. That further your deponent sayeth not.

[Jurat and Signature Omitted in Printing]

**EXHIBIT A**

**CATHOLIC ELEMENTARY AFTERSCHOOL PROGRAM**

Fall, 1981

<b>Assumption</b>	<b>Holy Spirit</b>
Class Title	Yearbook Production
Ceramics	Dough Modeling
Arts and Crafts	Christmas Macrame
Cake Decorating	Dough Modeling
Model Building	Needlecraft
Stitchery	Christmas Arts and Crafts
Oil Painting	
Oil Painting	
Home Economics	
<b>Blessed Sacrament</b>	<b>Holy Trinity</b>
Spanish	Bowling
Cooking	Bowling
Gymnastics	Immaculate Heart of Mary
Rug Hooking	Fundamentals of Basketball
	Math and Reading Games—Grade 1

<b>Immaculate Heart of Mary (Continued)</b>	Creative Stitchery Bowling Jazz Band Track Club
<b>Math and Reading Games— Grade 2</b>	
<b>Math and Reading Games— Grades 3 &amp; 4</b>	
<b>Recreational Games</b>	Physical Education
<b>Counted Cross Stitch</b>	Stitchery
<b>Quilting</b>	Educational Games
<b>Marywood Academy</b>	Educational Games
<b>Arts and Crafts</b>	Band
<b>Model Building</b>	Physical Education
<b>Gymnastics</b>	Rug Hooking
<b>Sacred Heart</b>	Model Building
<b>Class Title</b>	
<b>Physical Activities</b>	Bowling
<b>Ceramics</b>	Cooking
<b>Physical Activities</b>	Cooking
<b>Model Building</b>	Arts and Crafts
<b>Cooking</b>	Gymnastics
<b>Rug Hooking</b>	Gymnastics
<b>Bowling</b>	Dance
<b>Bowling</b>	Arts and Crafts
<b>Holy Name</b>	Bowling
<b>Cooking</b>	
<b>Cooking</b>	
<b>Arts and Crafts</b>	
<b>Drama</b>	
<b>Drama</b>	
<b>St. Alphonsus</b>	
<b>Physical Activities</b>	Puppetry
<b>Rug Hooking</b>	Model Building
<b>Newspaper</b>	Gymnastics
<b>Model Building</b>	Gymnastics
<b>Puppetry and Printmaking</b>	Arts and Crafts

<b>St. James—(Continued)</b>	<b>SS. Peter &amp; Paul</b>
Guitar	Macrame
Puppetry	Arts and Crafts
Arts and Crafts	Arts and Crafts
Basketball	Bowling
Cooking	Physical Activities
Guitar	Educational Games
	Model Building
<b>St. Joseph—Wright</b>	<b>St. Paul the Apostle</b>
Physical Activities	Modern Dance
Rug Hooking	Candle Making
Physical Activities	Model Building
Volleyball	Arts and Crafts
Physical Activities	Arts and Crafts
	Cooking
<b>St. Isidores</b>	Sewing
Model Building	Calligraphy
Arts and Crafts	Modern Dance
Model Building	Humanities
Beginning Baton	Modern Dance
Girls Basketball	
<b>St. Jude</b>	<b>St. Stephen</b>
Artex	Bowling
Model Building	Play Class
Cooking	Crocheting
	Cooking
<b>St. Mary</b>	Basketball
Latch Hooking	Batik
Art	Chess
Drama	Cooking
	Rug Hooking
<b>St. Michael</b>	Model Building
<b>Class Title</b>	Math and Reading Games
Arts and Crafts	Gymnastics
String Art	Arts and Crafts
Model Building	Board Games
Model Building	Sculpture
	Math and Reading Games

St. Thomas  
Class Title  
Arts and Crafts  
Arts and Crafts  
Model Building  
Needlepoint  
Crocheting  
Educational Games  
Creative Dramatics

St. John Vianney  
Macrame  
Model Building  
Painting  
Stitchery  
Dancing—Creative Movement I  
Dancing—Creative Movement II  
Cooking  
Weaving

### CHRISTIAN ELEMENTARY AFTERSCHOOL PROGRAM

Fall, 1981

Sylvan Christian School  
Class Title  
Puppetry  
Tumbling  
Sewing  
Macrame  
Country Painting—2 classes  
Sewing/Cooking  
Woodworking  
Model Building  
Cooking/Puppetry  
Puppetry  
Sewing—2 classes  
Cooking  
Craft Corners/Country Painting  
Leathercraft

Creston Christian  
Class Title  
Puppetry  
Macrame  
Woodworking  
Sewing  
Puppetry  
Model Building

Millbrook Christian  
Model Building  
Leathercraft  
Cooking  
Seymour Christian  
Model Building  
Computers  
Cooking  
Sewing  
Model Rocketry  
Computers

Oakdale Christian  
Yearbook  
Plants  
Leathercraft  
Sewing  
Westside Christian  
Nature Appreciation  
Cooking  
Mini Soccer  
Arts and Crafts

### CATHOLIC ELEMENTARY AFTERSCHOOL PROGRAM

Spring, 1982

Assumption  
Class Title  
Ceramics  
Oil Painting  
Model Building  
Cake Decorating  
Needlecraft  
Oil Painting, Advanced  
Arts and Crafts  
**Blessed Sacrament**  
Ice Skating  
Ice Skating  
Gymnastics  
Rug Hooking  
**Holy Spirit**  
Drawing and Sketching  
Baking and Decorating  
Country Painting  
Dough Modeling  
**Holy Trinity**  
Bowling  
Bowling  
**Immaculate Heart of Mary**  
Volleyball  
Math and Reading Games—  
Grade 1  
Math and Reading Games—  
Grade 2  
Math and Reading Games—  
Grades 3 & 4  
Recreational Games  
Counted Cross Stitch  
Electronics  
Marywood Academy  
Nature Crafts  
Model Building  
Sacred Heart  
Electronics  
Physical Activities  
Cooking  
Magic  
Bowling  
Bowling  
Storytelling and Bookmaking  
Storytelling and Bookmaking  
**Holy Name**  
Cooking  
Drama  
Drama  
Cooking  
**St. Alphonsus**  
Model Building  
Volleyball  
Stitchery  
Stuffed Animals  
Bowling  
**St. Andrews**  
Music  
Educational Games  
Educational Games  
Rug Hooking  
Model Building

**St. Francis**

Cooking  
Arts and Crafts  
Arts and Crafts  
Gymnastics  
Gymnastics  
Dance  
Racquetball

**St. Isidores**

Arts and Crafts  
Quilting  
Baton Twirling  
Model Building

**St. James**

Puppetry  
Guitar  
Gymnastics  
Guitar  
Arts and Crafts  
Sewing  
Model Building  
Cooking  
Basketball  
Arts and Crafts  
Guitar  
Puppetry

**St. John Vianney**

Model Building  
Macrame  
Painting  
Weaving  
Dance  
Stitchery  
Dance  
Arts and Crafts

**St. Joseph-Wright**

Arts and Crafts  
Rug Hooking  
Creative Activities  
Arts and Crafts

**St. Jude**

Crocheting  
Model Building  
Cooking

**St. Mary**

Physical Activities  
Educational Films

**St. Michael**

Educational Games  
Sand Painting  
Art-Sand Painting  
Model Building  
Physical Education

**SS. Peter & Paul**

Arts and Crafts  
Poupourri  
Bowling  
Physical Activities  
Educational Games  
Educational Games  
Model Building

**St. Paul the Apostle**

Dance  
Physical Activities  
Hobby Class  
Modern Dance  
Cooking  
Spanish  
Modern Dance  
Humanities  
Calligraphy

**St. Stephen**

Tumbling  
Crocheting  
Jogging  
Gymnastics  
Bowling  
Model Making  
Clay Crafts  
Basketball  
Cooking  
Board Games  
Outdoor Recreation  
Cartoons  
Exercise  
Arts and Crafts  
Cooking/Dance

**St. Thomas**

Model Building  
Needlepoint  
Arts and Crafts  
Arts and Crafts  
Crocheting  
Educational Games  
Creative Dramatics  
  
Climbing Tree  
  
Cooking  
Arts and Crafts  
Pottery

**CHRISTIAN ELEMENTARY AFTERSCHOOL PROGRAM**

**Spring, 1982**

**Sylvan Christian School**

Creative Dramatics  
Drama  
Creative Dramatics  
Gymnastics  
Gymnastics  
Play  
Country Painting  
Drama  
Woodworking  
Model Building  
Sewing  
Cooking  
Craft Painting/Pottery

**Westside Christian**

Outdoor Appreciation  
Puppetry  
Cooking  
Art

**Creston Christian**

Puppetry

Woodworking  
Puppetry  
Model Rocketry

**Millbrook Christian**  
Drama Production  
Costumes and Make-up  
Child Care  
Sets and Design

**Seymour Christian**  
Computers  
Cooking  
Sewing

Guitar  
Computers

**Oakdale Christian**  
Mini Basketball  
Yearbook  
Leathercraft  
Sewing  
Music Enrichment

GRPS Ex LLL

GRAND RAPIDS PUBLIC SCHOOLS  
GRAND RAPIDS, MICHIGAN

SHARED TIME GUIDELINES

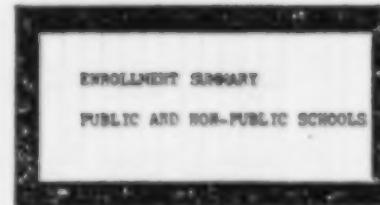
1. The Shared Time is a Grand Rapids Public Schools program providing supplemental instruction to meet the educational needs of children.
2. The Shared Time program is a program taught by public school teachers who are hired by, assigned by and, if necessary, fired by the Grand Rapids Public Schools--non public personnel have absolutely nothing to do with such matters. Shared Time teachers follow Grand Rapids Public Schools work calendar.
3. Teachers in the Shared Time program are employees of the Grand Rapids Public Schools, supervised and evaluated by the Grand Rapids Public Schools only. Non public personnel have no role whatsoever in the supervision and evaluation process.
4. Due to space considerations, economic considerations, and educationally-motivated convenience considerations, the Shared Time program is operated and made available in publicly leased classrooms, clearly marked and designated as such. Grand Rapids Public Schools classrooms are to be provided by the non public schools, stripped of all religious materials or symbols.
5. Teachers in the Shared Time program are required to provide instruction based upon the guides and objectives of the Grand Rapids Public Schools curriculum. The purpose of the Shared Time program is to provide supplementary, non core, secular teaching to meet the educational needs of children. The Shared Time curriculum does not and may not parallel the non public school curriculum.
6. All materials, supplies, books, equipment and the like, utilized in providing the Shared Time program must be purchased by or supplied by the Grand Rapids Public Schools. Such materials/supplies/equipment should be:
  - a. labelled as Grand Rapids Public Schools property;
  - b. stored in locked cabinets or closets when not in use;
  - c. inventoried regularly;
  - d. segregated from materials/supplies/equipment of non publics; and
  - e. used only by public school Shared Time teachers.
7. Students: All Shared Time students are treated as Grand Rapids Public Schools students. They are graded, disciplined, etc. as Grand Rapids Public Schools students.

GRPS Ex TTT

Student Services Department

ATTENDANCE WORKERS  
GUIDANCE & COUNSELING  
RESIDENT & TUITION PERMITS  
STUDENT ACCOUNTING  
STUDENT ARCHIVES  
(HISTORICAL)  
STUDENT ASSISTANCE  
PROGRAM  
STUDENT TRANSFER  
REQUESTS  
STUDENT SUSPENSION  
REVIEW  
WORK PERMITS  
INFORMATION:  
  
A Verification  
B Date Notarization  
Child Abuse Law & Policy  
Class Reports  
Course Titles & Numbers (Sr.)  
Disaffiliation (drop-outs)  
Emancipation of Minors  
Enrollment of Immigrants  
Graduation Requirements  
PEB Enrollment  
School Boundaries  
Student Mobilities  
Student Records Law & Policy  
Student Rights  
Student Suspension

REPORT



Date: OCTOBER 2, 1981

Distribution:

SUPERINTENDENT  
CABINET  
RACIAL BALANCE/  
BUILDING UTILIZATION  
COMMITTEE



John Dow, Superintendent

**Student  
Services  
Department**

GRAND RAPIDS PUBLIC SCHOOLS  
ELEMENTARY  
1981-82

October 2, 1981

ELEMENTARY SCHOOLS

FTE

HEADCOUNT

SCHOOL	REG.	SP. ED.	PK	TOTAL	REG.	SP. ED.	PK	TOTAL
PAE ABERDEEN	52	47	45	154	42	64	64	347
PAE ALEXANDER	72	47	46	160	54	55	60	394
PAE AL CITY	51	60	55	157	52	77	67	359
PAE BECKETT	43	38	40	118	41	37	38	275
PAE BROOKSIDE	38	42	43	123	40	45	45	227
PAE BUCHANAN	59	61	52	163	45	49	49	329
PAE BURTON ELEM.	73	79	45	197	75	120	120	523
PAE CAMPUS PARK F.T.	175	139						314
PAE COITY	44	38	41	122	36	25	23	229
PAE COVELL	43	41	54	148	35	60	61	338
PAE DICKINSON	41	39	40	120	42	39	36	287
PAE EAST LEONARD	43	42	43	130	29	38	40	275
PAE EASTERN	62	48	49	152	45	57	59	372
PAE FOUNTAIN & Montessori	64	44	40	158	33	27	36	329
PAE FRANKLIN	22	25	28	80	28	41	41	192
PAE C.A. FROST								106
PAE HALL	51	59	65	184	45	56	50	400
PAE HARRISON PK. ELEM.	52	48	54	156	41	47	46	317
PAE HENRY	77	45	34	159	56	56	55	322
PAE HILLCREST	41	53	49	149	57	57	63	309
								369

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-217-

GRAND RAPIDS PUBLIC SCHOOLS

ELEMENTARY

1981-82

HEADCOUNT

SCHOOL	REG.	SP. ED.	PK	TOTAL	REG.	SP. ED.	PK	TOTAL
PAE HUFF	20	21	21	62	3	3	4	6
PAE JEFFERSON	24	17	26	69	30	27	40	203
PAE KEN-O-SHA PARK	15	40	27	82	35	30	22	181
PAE KENT HILLS	40	52	43	135	35	43	39	133
PAE PADISON PARK	80	87	46	173	67	60	69	154
PAE PULICK PARK	46	32	40	118	34	35	27	123
PAE NATH PARK ELEM.	44	46	38	120	47	66	50	161
PAE OAKDALE	62	40	42	144	49	54	52	151
PAE OTTAWA HILLS ELEM.	46	48	34	120	33	26	42	123
PAE PALMER	54	54	63	171	52	45	50	154
PAE BIGGEROD	55	38	47	142	34	39	39	147
PAE RIVERSIDE ELEM.	47	46	48	143	46	60	59	164
PAE ROOSEVELT PARK	83							83
SAE Shabolt Hills	23	25	36	84	19	33	42	122
SAE Shagrove Park	64	34	37	135	30	27	41	116
SCS Sheldon	49	29	24	93	50	35	35	127

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October 2, 1961

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104

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\*Because of the transfer of full and partial FTE memberships to Special Education from General Education and from General Education to Special Education, the following memberships have been claimed for Secondary Regular and Alternative Schools: 10351.<sup>3</sup>

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THE HISTORY OF THE CHINESE IN AMERICA

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October 2, 1981

Grade School

Grand Rapids Non-Public Schools

		PK	K	1	2	3	4	5	6	7	8	9	10	11	12	Total
K-8	ST. ADALBERT	..	23	27	21	21	25	22	32	26	30	..	..	..	..	227
K-9	ADAMS STREET PROT. EP.	..	25	11	17	17	8	13	12	16	13	11	..	..	..	143
K-9	BLESSED SCRIPENT	..	22	16	21	20	27	24	24	31	24	..	..	..	..	221
K-9	MICHIGAN DAK BAPTIST ACADEMY EL.	..	33	15	15	15	10	16	..	..	..	..	..	..	..	114
K-6	CHESTERWICK BAPTIST ACADEMY EL.	..	50	53	54	60	50	60	..	..	..	..	..	..	..	307
7-12	BAPTIST ACADEMY SECONDARY	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
7-12	CATHOLIC CATHEDRAL HIGH	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
K-9	CHESLTON CHRISTIAN	..	72	40	51	41	51	44	40	41	45	36	..	..	..	461
10-12	GRAND RAPIDS CHRISTIAN HIGH	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
PK-7	CLIMBING TREE	40	4	11	11	4	1	1	3	2	..	..	..	..	..	79
K-8	ST. ISIDORE	..	14	13	11	13	12	13	15	16	10	..	..	..	..	112
K-8	ST. PETER & PAUL	..	11	17	8	16	8	16	17	11	..	..	..	..	..	..
K-9	WESTSIDE CHRISTIAN	..	83	62	73	53	59	53	62	54	60	55	..	..	..	618
K-9	ST. FRANCIS XAVIER	..	25	20	22	20	16	22	13	20	17	..	..	..	..	183
K-12	FaITH CHRISTIAN ACADEMY	..	9	4	5	3	5	4	3	1	3	1	1	1	1	46
K-8	HOLY SPIRIT	..	33	30	25	30	44	53	32	30	30	..	..	..	..	217
K-8	IMMACULATE HEART OF MARY	..	41	51	42	42	42	55	62	45	43	..	..	..	..	424
K-8	IMMANUEL LUTHERAN	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
K-8	ST. JAMES CATHOLIC	..	40	31	31	28	37	30	28	46	22	..	..	..	..	291
K-8	ST. JAMES LUTHERAN	..	6	11	11	8	11	..	..	..	..	..	..	..	..	47
K-8	ST. ALPHONSUS	..	50	27	53	29	24	40	41	38	43	33	..	..	..	325
K-8	ST. MARY	..	15	18	22	18	13	16	15	12	14	..	..	..	..	145
PK-12	PARKWOOD ACADEMY	56	27	30	31	26	21	21	22	22	22	..	..	..	..	237
K-8	MARTIN LUTHER JR.	..	13	17	15	10	8	16	7	7	7	..	..	..	..	26
K-9	MILLEBROOK CHRISTIAN	..	25	19	15	16	21	18	16	50	59	..	..	..	..	280
K-8	ST. ANTHONY	..	..	30	30	30	28	30	30	30	30	..	..	..	..	218
K-9	DARLAKE CHRISTIAN	..	53	49	53	39	36	49	30	30	35	39	..	..	..	421
K-8	ST. PAUL	..	24	25	29	20	13	24	26	20	26	..	..	..	..	145
K-10	PLYMOUTH CHRISTIAN	..	22	24	26	20	15	19	23	14	16	12	..	..	..	15
K-8	POTTER'S HOUSE CHRISTIAN	..	..	6	3	1	3	2	2	2	2	..	..	..	..	16
K-8	ST. ANDREW	..	..	30	21	23	24	19	26	22	22	19	..	..	..	226
K-8	SACRED HEART	..	28	26	25	20	19	16	29	24	12	..	..	..	..	199
K-10	SEVENTH DAY ADVENTIST (G.M., S.M.A.)	..	..	0	7	6	6	4	12	4	1	0	0	0	0	103
K-6	SETHOUR CHRISTIAN	..	61	50	49	41	33	35	35	..	..	..	..	..	..	208
PK-8	ST. THOMAS	21	30	18	22	19	24	18	25	31	20	..	..	..	..	227
K-8	ST. JUDE	..	13	29	2	30	29	30	40	29	19	..	..	..	..	262
7-12	VILLA MARIA	..	..	..	..	..	..	..	..	..	..	5	0	2	1	25
K-9	WEST CATHOLIC HIGH	..	..	87	63	64	49	60	63	64	64	41	..	..	..	612
K-9	SYLVAN CHRISTIAN	..	..	..	..	..	..	..	..	..	..	..	..	..	..	37
SPC	CHRISTIAN LEARNING CENTER	17	..	..	..	..	..	..	..	..	..	..	..	..	..	11
		156	248	172	202	172	151	151	156	151	156	151	151	151	151	152
		<b>1023</b>														

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**GRAND RAPIDS PUBLIC SCHOOLS**

**MEMBERSHIP AND PERCENT OF MEMBERSHIP IN PUBLIC  
AND NON-PUBLIC SCHOOLS (K-12)**

**Fourth Friday  
October 2, 1981**

School Year	Public School Membership	Non-Public Membership	Total Membership	Percent Non-Public
1971-72	34,468	14,641	49,109	29.8
1972-73	33,902*	13,942	47,844	29.1
1973-74	32,688*	13,301	45,989	28.9
1974-75	31,785*	12,854	44,639	28.8
1975-76	31,221*	12,530	43,751	28.6
1976-77	30,658*	11,997	42,655	28.1
1977-78	29,486*	11,460	40,946	28.0
1978-79	27,636*	10,825	38,461	28.2
1979-80	26,923*	10,667	37,590	28.4
1980-81	26,318*	10,757	37,075	29.0
981-82	26,142*	11,362	37,504	30.3

\* Individual Student Head Count - not pro-rated.

PLAINTIFFS' EX 9

*Grand  
Rapids  
Baptist  
Academy*

*Grand Rapids, Michigan*

*Founded in 1972 Grades K - 12*



*"The fear of the Lord is the beginning  
of wisdom..." Proverbs 9:10*

**GRAND RAPIDS BAPTIST ACADEMY HISTORY**

In the spring of 1972, at the approval of the Galilean Baptist Mission, a group of 18 men met to discuss the possibility of establishing a Grand Rapids Baptist Day School. These men were led together by God because they shared the earnest conviction that their children should have a Christian education. They wanted their children taught to see all of life in the light of God's Word, including academic subjects, music, the arts, athletics, and social activities. It was their desire that their children would be educated to do all things as unto the Lord, heartily. They were also committed to founding a strong academic school.

In July of 1972, the facilities of the Wealthy Street Baptist Church were secured for housing the Baptist Day School which would open in September. That fall, 90 students enrolled in grades kindergarten through 8, with a teaching staff of 5 full time teachers. The budget for the year was \$45,000. The first of many steps of faith in the history of the school had proven that God's Hand was upon this ministry.

In The spring of 1973, property was purchased on Leonard Street and an 18,000 square foot facility was constructed to house our K-10 program. Each successive year a grade was added until 1976 when our first 12th grade class graduated with praise to God and thanksgiving for the sacrifices of many of His people on behalf of our school.

In 1978, the board took another step of faith in believing that nothing is too hard for God, as in Jeremiah 3:17 the board purchased a beautiful educational facility from the Grand Rapids Public School System. Crestview Elementary along with 7½ acres were purchased to accomodate our growing enrollment. School opened in the fall of 1978 with the total enrollment of over 700 students.

Today, Baptist Academy has over 800 students enrolled in our student body. Three facilities are presently being used to accomodate our program. Two additional facilities are in the planning or construction stages which will accomodate additional elementary schools. The board is actively planning an additional high school facility that will accomodate our growing needs on that level. It is anticipated that by 1982, Baptist Academy will have an additional high school facility that will accomodate our expanding program. God's faithfulness has been apparent in providing personnel as well as property. It is the continued purpose of Baptist Academy to honor Jesus Christ, believing that an education which Christ is central will influence an entire course of a student's life.



#### PURPOSE

It is the purpose of Grand Rapids Baptist Academy to provide a sound academic education integrated with a Christian view of God and the world. The Bible is clear in stating the principles which underlie Christian education. The apostle Paul gave a comprehensive principle when he wrote of Christ, "For by Him were all things created, that are in heaven, and that are in the earth... and He is before all things and by Him all things consist." (Colossians 1:16 & 17) The apostle John said, "all things were made by Him, and without Him was not anything made that was made." (John 1:3)

There is an important difference between Christian viewpoints on a given subject. Even though knowledge is factually the same for both, no subject can be taught in the totality of its truth if the creator, Christ, is ignored or denied. Christ is the key to education.

The approach to education which uses the Bible as the true vantage point for life and learning is the only one which honors God.

Parents of students in Baptist Academy believe that the Word of God makes them responsible for the education of their children in school, as well as in the home and in the church. They want their children educated at school with a consciousness that all truth is God's truth including history, science, mathematics, language, and the arts. They also want their children to develop a system of values consistent with the Bible, a life style which will be pleasing to God. Therefore, Grand Rapids Baptist Academy purposes to work in harmony with the Christian home, not in opposition to the teaching of the home.



#### OWNERSHIP AND OPERATION

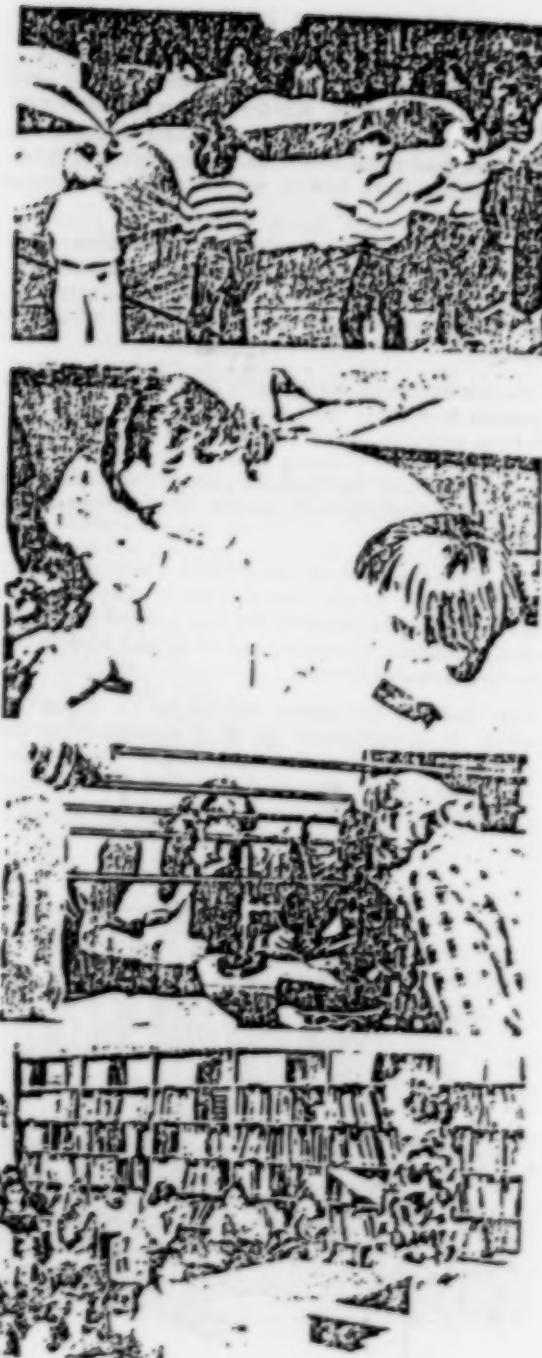
The school is governed by an 18 member board of trustees. These board members shall be in good standing of churches which subscribe to our Biblical position. One third of the board is composed of pastors and two thirds laymen. Each year, six of the board members are elected to a three year term at the Annual Baptist Academy Association meeting in June. Each Baptist church that contributes \$500 or more per year from their annual budget may send a voting delegate to the Association. Additional delegates are appointed based on the student enrollment in Baptist Academy from the respective church. (One delegate for every 10 students).

Approval of the annual budget is an important responsibility of the board. The board also establishes the tuition scale, salary schedules, and approves the hiring of personnel. Ten working committees facilitate the functions of the school board. Because the board is a policy making group, it leaves the daily operation of the school to the administrators.

Baptist Academy is financed by tuition and gifts. The tuition approximates faculty salaries and educational expenses. Gifts are needed for the capital funding of our facilities.

#### FACULTY

All teachers are approved and certified by the State of Michigan and registered through the Kent intermediate School District. Each teacher is a Born Again educator who is competent academically and who is alert to the spiritual needs of the children.



#### ELEMENTARY SCHOOL K-6

Since children are impressionable, the school believes that they need to be educated in the truth in their early, formative years. Kindergarten is considered important. There is a strong emphasis on reading readiness, mathematical concepts, music, art and Bible. The children learn how to work and play as members of the group.

The elementary school subjects include Bible, reading, phonics, mathematics, social studies, science, art, music, and physical education. Reading and mathematics are emphasized and good study habits are formed.

The teachers work closely with the students and their parents to correct weaknesses before they become a serious problem. The relationship between the school and the home is a strong point of Baptist Academy. For this reason, the families come to the school on the recommendation of families who are already in the school.

The spiritual growth of the children is helped by daily Bible classes, prayer times, weekly chapels, guest speakers and the personal life and counsel of the teacher. Children are encouraged to receive Jesus Christ as their personal Saviour.

The students are happy and secure in the school which is characterized by good discipline, accomplished without coercion or tension. Children are taught to respect one another and all those who are in authority.



#### SECONDARY SCHOOL

The spirit and high morale reflect a relationship and a friendly atmosphere which exists with both faculty and students.

All teachers meet regularly in the morning to pray for their students and to have fellowship with the Word of God.

A strong traditional academic curriculum with a choice of college preparatory or general program is offered. All candidates for a Baptist Academy High School diploma must have earned 24 credits in grades 9-12. All students must complete four years of Bible, four years of English, three years of social studies, two years of science, and at least one year of math. A complete course description book is available at the high school office for all students enrolling in Baptist Academy.

Student government, social functions, educational trips, music, drama, sports, and class activities are all part of the secondary school life. Qualifying students are elected to the National Honour Society each year.

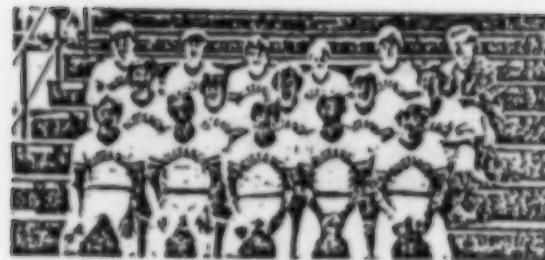




#### MUSIC AND DRAMA

In addition to the required courses, musical activities include Choir, Gospel Team, Girls Chorus, and Senior High and Junior High Band. Numerous opportunities are provided for students to perform. The Gospel Team performs two Sunday evenings a month throughout the second semester. The Choir has also enjoyed a Choir tour each year. Music is accepted as a gift from God, and students are taught to dedicate their talents to Him.

Dramatic expression is fostered through performance at programs, the High School Drama Club, and periodic presentations. As in other arts, the emphasis is upon the recognition of ability as God-given and the proper exercise of that ability.



#### SPORTS AND PHYSICAL EDUCATION

The school believes in a good physical education program and in a good interscholastic sports program. Physical education begins in kindergarten and is required through the High School. Students are taught to care for their bodies, that their bodies are a gift from God, and that their bodies are to be dedicated to God. Presently, it is necessary for the High School to lease adequate gymnasiums to accommodate our High School athletic competitions. The elementary schools do have an all purpose room to provide for the physical education activities. Teachers of the boys and girls are trained in elementary and secondary physical education. Whenever possible, it is our desire that all of the coaches of the teams are also members of the faculty.

The school competes interscholastically in the following sports: basketball, baseball, softball, soccer and volleyball.

The interscholastic sports for boys are as follows: soccer, basketball and baseball.

The interscholastic sports for girls are as follows: basketball, softball, volleyball and cheerleading.





Although it is our desire to have a winning team, it is most important that our students gain strong Christian character through the competitive sports. The coaches desire to have a positive spiritual influence on the athletes while teaching them the skills and the strategy of the various sports. Baptist Academy athletes are trained to play their best and to maintain a Christian attitude and testimony during the pressures of competition. This approach to sportsmanship has earned the respect of visiting teams and officials.

Boys and girls have a good and a fair opportunity to make the interscholastic teams because the school is of modest size and all students are afforded an equal opportunity to participate.



#### DISCIPLINE

Without a disciplined atmosphere, Baptist Academy would cease to become a Christian school in the truest sense of the word. It certainly would not be a place where parents would want to send their students for their academic and spiritual training. It will be our goal, therefore, to endeavor to work with parents in helping our students to become responsible and self-disciplined individuals.

#### REQUIREMENTS

Students must have a Bible for daily classroom use. The King James Version is encouraged and promoted especially for Bible memorization. Students must be prepared for classes with books, paper, pencils, etc. Students are required to attend church faithfully each week.

The school requires that children entering kindergarten have a medical examination before enrollment. A form will be furnished to the parent in order that necessary information may be recorded and returned to the school prior to the child's enrollment. Kindergartners must have a dental examination, hearing screening, and proof of proper immunizations. The age limit for kindergarten enrollment is the 5th birthday on or before December 1st of the year the student plans to enroll.

It is the policy of Baptist Academy to admit students from Christian homes who qualify spiritually, socially, and academically for our program.

After an application is submitted, an interview, preferably with both parents and the principal or the administrator will be required. At this time, a \$10 application fee will be requested. For further enrollment information, please call our office at 942-0363.

#### CHAPEL

Chapel is held weekly for all grade levels. Student involvement is encouraged and guest speakers are brought in to share on meaningful topics for our high school young people.



#### DRESS CODE

Personal appearance reflects on our Lord as well as on the name of Grand Rapids Baptist Academy. Therefore, the school, the staff, administration, and parents must insist upon a personal appearance among the students which reflects our Christian principles. This policy does not merely reflect one person's attitude, but the composite standard that the Academy board wishes for the students and the school.

While attempting to set guidelines for positive personal appearance, we cannot allow the most permissive nor the least permissive parent to set the standard. We have sought to develop a standard of proper dress and general appearance for students which will: (1) Reflect favorably on the whole student body, (2) Not reflect negatively on the Christian nature of our school, (3) Be an acceptable standard in the eyes of most of our parents.

A student's appearance relates directly to his or her personal testimony for Jesus Christ. Therefore, each student is expected to evidence Christian discrimination in this area. (I Timothy 4:12) Even as there is appropriate clothing for church, baseball, gym, hunting, etc., so too, there is appropriate clothing for school.

#### ADMISSIONS INFORMATION

Parents and their students are cordially invited to visit the school during the day to meet students and teachers and to talk to the administrator. This personal contact gives valuable insight and helps the perspective student and his parents to visualize the school in action. Visitation is easily arranged by calling the school office.

Following the investigation of the school, parents may submit the application form with the application fee. Upon receipt of the completed forms, arrangements are made by the office for the administration of an entrance test and a parental interview.

Since the Academy is a board-controlled school and is viewed as an extension of the Christian home, and is also viewed as working in harmony with our evangelical churches, the admissions committee also interviews the parents. It is required that one parent, preferably both, be a Born Again Christian in good standing in a local church. Parents must give evidence that they concur with the school's statement of faith, philosophy of education, and educational goals. Because Baptist Academy is a ministry that seeks to aid parents in fulfilling the scriptural mandate to "train up a child..." we have always been, and will always be scripturally bound to admit all children, regardless of race or ethnic origin.

Application forms are available by contacting the school office. No pressure is exerted upon inquirers to enroll their children. The school is happy to answer any questions, but feels that God leads parents to make the decision about the enrollment of their children.

Early application is recommended to avoid disappointment.



### COST

Please see the attached schedule of tuition and registration expenses for the current school year.

## **TRANSPORTATION**

Transportation is provided in the city of Grand Rapids and in some outlying areas. There is a charge for transportation for those who reside outside of city limits of Grand Rapids. For further information please contact the Transportation Supervisor at the administration office between the hours of 9:00 a.m. and 3:00 p.m. (Phone 942-0363)



## **CHRISTIAN STEWARDSHIP**

The Baptist Academy exists to train children and young people to serve God in their generation today, as students, tomorrow as pace-setters and leaders. Tuition charges have been kept as low as possible so that parents of restricted means may be able to enroll their children. Therefore, contributions beyond tuition income are required for our building commitments as well as for our own new building program.

You are invited to share in this strategic Christian ministry with children and young people through the stewardship of your own giving. Contributions may be designated for the operating budget or for the building fund, and are tax deductible to the legal limits. As God provides, the facilities of Baptist Academy are being expanded. You may write to the school for aid in implementing your desire to include in your will the Christian education of generations unborn, if the Lord tarries.

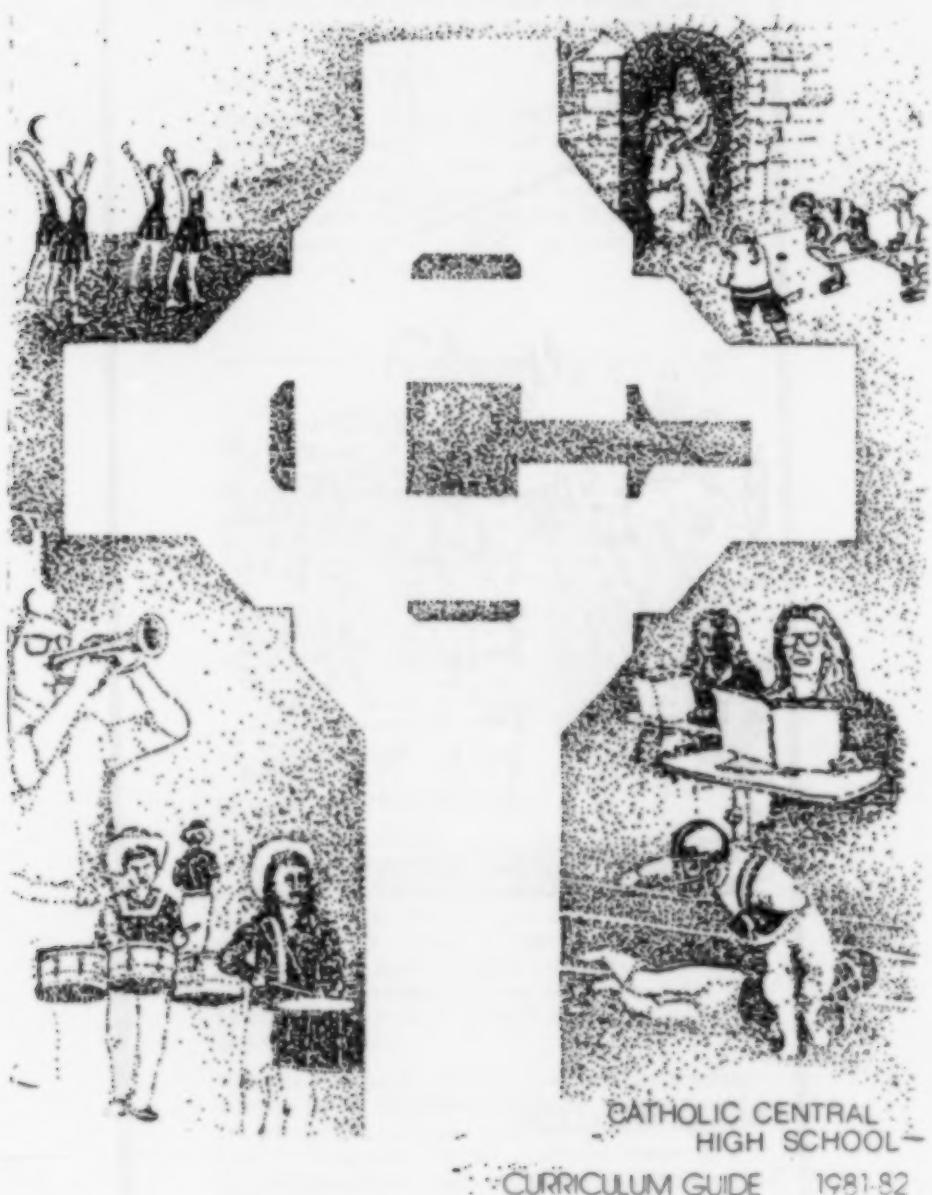


#### **FOR INFORMATION**

Your inquiry is cordially invited. For further information and admissions forms, contact:

**Grand Rapids Baptist Academy  
3101 Leonard Street, N.E.  
Grand Rapids, MI 49505  
Phone: (616) 942-0363**

PLAINTIFFS' Ex 21



MINIMUM REQUIREMENTS FOR GRADUATION

In compliance with the requirements set up by the Accreditation bureau of the University of Michigan and those of the Catholic Interparochial High School Board, Catholic Central High School requires 20 units of credit for graduation in addition to the satisfactory completion of one unit of Physical Education. One unit is one full year of successful work in a subject. Of the 20 units the following requirements must be met for graduation.

English	4 units	Science	1 unit
Religious Ed	4 units	Social Studies	2 units
Math	2 units		

SCHOOL POLICY ADDITIONS

1. EACH STUDENT MUST CARRY A MINIMUM OF 5 SUBJECTS PER YEAR. It is also mandatory that the 7th and 8th semesters of work be carried at Catholic Central.
2. Courses offered in the morning Community Education program at Catholic Central will not be counted as one of the five required courses which a student must take each day. The administration may grant exceptions to this ruling in the case of students with special needs. Students in grades 9 thru 11 must remain in school through the 7th period of the day even though they may have chosen to begin their school day at 7:45 A.M. Students in grade 12 must remain in school through the 6th period of the day even though they have chosen to begin their school day at 7:45 A.M.
3. Selected courses offered in the Catholic Central program may be taken on a credit/non-credit basis. A course taken on a credit/non-credit basis will not count as one of the student's five academic courses.
4. A student must complete his/her required courses at Catholic Central High School. A "required course" is one designated as such in the Catholic Central Curriculum Guide and must be successfully completed to receive a Catholic Central diploma. A student must take four years of Religion as well as four years of English at Catholic Central High School. Courses taken outside the Catholic Central facility in Night School, Day School, or Summer School will receive full credit and will appear on the student's permanent record as electives, but will not substitute for a required course at Catholic Central. Exceptions may be made in the case of a transfer student.
5. Four years of daily attendance in a Religion class offered at Catholic Central High School is required of all students who attend Catholic Central High School. EXCEPTION - Students who can clearly demonstrate that they are active members of an established religion other than Catholic, may make special arrangements with the Principal of Catholic Central High School to receive religious instruction in their own Church. It should be clearly understood that all students attending Catholic Central High School must receive religious instruction on a regular basis, from a qualified instructor, and progress reports must be sent to the Principal of Catholic Central High School on a regular basis.

The enclosed suggested curricula meet these minimum requirements. All of our courses will be considered by institutions of higher learning. Those students who desire specific pre-college training should consult the college catalog and their counselor for detailed planning. Our regular program is four years in duration. The school administrators will determine cases of deviation from the stated no

RELIGION DEPARTMENT

MISSION: To help the students understand and live their faith through a maturing relationship with Christ.

GOALS: To present truths of the Catholic Faith.  
A.

- OBJECTIVES:
1. To use Church documents, such as Basic Teachings for Catholic Religious Education, National Catechetical Directory, To Teach as Jesus Did, etc., as a foundation for curriculum building.
  2. To devote time to a study of the Sacred Scriptures and the Word of God.
  3. To study the life of Jesus so as to come to know him as a person with whom one can enter into a relationship.
  4. To present a fundamental and basic overview of the various doctrinal elements of the Catholic Faith.
  5. To conduct a study of prayer, the various forms of prayer, and its place in the life of a Catholic.
  6. To examine the issues of justice and social awareness and their role in the life and belief of the Christian.

B. To present the values of Christian Living.

- OBJECTIVES:
1. To incorporate materials into the curriculum which will help the students to reflect on affirming self-concepts.
  2. To incorporate materials into the curriculum which will help the students to develop wholesome Christian interpersonal relationships.
  3. To use different techniques in the classroom which will encourage an atmosphere of respectful candor.
  4. To examine materials which address themselves to the values of all Human Life as promulgated by the Catholic Church.
  5. To examine situations in the world which involve aspects of justice, the market place, and global relationships.
  6. To have the students consider the value of healthy sexuality in their own lives and in the lives of mature Catholics.

C. To provide opportunities for Catholic Liturgical/Worship Services.

- OBJECTIVES:
1. To have all-school Masses on significant occasions.
  2. To have at least two major Reconciliation Services.
  3. To have students involved in the planning of the Liturgical Services.
  4. To have small group Prayer Services and Liturgies.
  5. To have times available for students to participate in the rite of individual Reconciliation.

D. To help coordinate opportunities for students to engage in acts of Christian Service.

- OBJECTIVES:
1. To work with the Student Congress on various school projects.
  2. To reach out to the poor and the hungry in our community especially at Thanksgiving and Christmas times.
  3. To work with other departments to conduct at least one ecological or beautification project in the local community each year.
  4. To encourage and advocate student participation in various charitable causes such as the Crop Walk, Walkathon, etc.
  5. To create a bulletin board which will promote and advertise various service programs or service needs.

COURSE DESCRIPTION:

RELIGION 9  
311  
1 Cr.

"Your Faith and You" is a synthesis of Catholic Belief. The chapters of the text are as follows: God, Our Father, Jesus, The Trinity and The Holy Spirit, The Catholic Community (Church), The Sacraments, Christian Morality: Living the Christian Life, The Catholic Church in the Modern World, Prayer, Worshipping God: The Eucharist, The Last Things.

RELIGION 10  
311  
1 Cr.

These Stones Will Shout is primarily concerned with an in-depth study of the Old Testament. In addition to examining the historical-cultural contexts of Genesis through Maccabees, a companion Bible is used to facilitate both the academic and the spiritual deepening of each student. The text uses integrates the students' present experiences with that of the Chosen People of God.

RELIGION 11  
311  
1 Cr.

Christian Morality develops from the traditional concept that grace builds on nature. It emphasizes that morality is conformity to the truly human thing to do in any situation that calls for a moral decision. The "Jesus principle" of love in action is presented as a practical, motivating force in the moral life of a Christian. The question 'What would Christ do on this issue?' is a guiding principle for our lives.

The New Testament. This course is designed to give students a view of the plan and intention of the New Testament Books. Students will learn the life of Christ: the meaning of His Baptism, Desert Temptations, Miracles and Parables. Students will study what the Challenge of Jesus is, how His followers responded to it, and will be invited to be stronger followers of Jesus. Students will focus attention on Jesus' Love, how He prayed, how He suffered and died, and his glorious resurrection.

The "Seventh Trumpet" Mark Link S.J.  
Church History. In this course, the Church's role in history is defined as interpreting the timeless meaning of Jesus in each age and in each culture. The course focuses on the mission of the Church as a continuation of the saving mission of Jesus: to lead people toward the fulfillment of God's plan for His creation, a mission which has formed the Church of our day and is forming the Church of the future.

11.11.12 Christian Social Justice is a course designed to present the social situation of today in a way that will call forth a Christian response. The economic, political, and cultural aspects of society are presented within the context of the Vision of Jesus. The realities of poverty, slavery, and aesthetic deprivation are studied emphasizing the Catholic Church's obligation to express justice and work toward it. Holy scripture, the Encyclicals and other Catholic Church documents are used as the basis of our instruction.

Catholic Marriage is a course designed to present the realities of human sexuality and marriage in a way that will call forth a Christian response. Through readings, discussions, and presentations, students have the opportunity to examine the Church's interpretation of human sexuality, to search honestly for the answers to their many questions in an environment that provides guidance and insight. The Catholic marriage is examined in its various aspects: personal relationship, social institution, sacramental communion. Related topics studied include: personal identity, the co-aging process of maturing, sexuality, Catholic life-style, communication, dating, sexual morality, commitment, child raising, family management. "Divorce in God's Plan" Michael J. Fries, S.T.B.

#### COORDINATOR OF RELIGIOUS AFFAIRS

It is widely recognized that Catholic Schools are to be communities of faith in which the Christian message, the experience of worship, community and social concern are integrated in the total experience of students, their parents, and members of the faculty. (National Catechetical Directory)

In fulfilling this directive of our American Bishops it is of primary importance that the School provide a spiritual ministry for the students, their families and the staff. We have a Religious Sister appointed to our administrative staff whose task is to plan, direct and coordinate the religious affairs of the school. This Sister, known as the Coordinator of Religious Affairs, works closely with the administration of the school and the Religion Department to provide a favorable spiritual, psychological and pedagogical environment for the students and staff.

Specific duties of the Coordinator will include:

- 1) leading regular prayer over the public address system
- 2) arranging for priests to come to the school
  - to celebrate the Sacraments of Eucharist and "reconciliation"
  - to speak to student groups/religious classes
  - to provide spiritual counseling
  - to meet with parish youth on site
  - to participate in school activities
- 3) preparing for All-School Masses
- 4) scheduling individual class Masses
- 5) making available retreat opportunities/days of recollection

- 6) planning Community of Faith Days for staff
- 7) participating in Religion Department meetings
- 8) visiting the hospitalized/homebound
- 9) developing means of fostering religious vocations

We consider the above spiritual ministry of the school of paramount importance to the attainment of the spiritual objectives of Catholic Central High School.

PLAINTIFFS' EX 24

WEST CATHOLIC HIGH SCHOOL  
 ADDRESS: 1601 JFistel Ave., N.W.  
 PHONE: 453-4467  
 PRINCIPAL: Mr. Edward Wagner  
 ASSISTANT PRINCIPAL: Mr. Richard Cebalak

NICKNAME: FALCONS  
 COLOR: GREEN AND WHITE

West Catholic features sound moral and religious values rooted in our Catholic, Christian heritage. Our students are shown a direction and meaning for life during their most critical years. To guide them in these critical years is a carefully screened faculty and administration made up of lay and religious men and women, dedicated to the principles of Catholic education. Several priests from surrounding parishes add a special dimension and variety to serve the sacramental needs of our school community.

West Catholic features a sound academic program which enables students to attend the college or pursue the career of their choice. The standards are high and the curriculum is broad. Besides the standard college prep curriculum students may select college credit courses in English, History or political studies in the West Catholic facility. Also available in the West Catholic facility are Home Economics, nursery school training, woodworking, arts and crafts, architectural drawing, ceramics, leadership training and theater arts. For students interested in vocational courses, there are the Skills Centers, Educational Park and Incentive to Learn.

West Catholic features a complete program of athletics and activities for girls and boys. We offer ten varsity sports for boys and nine varsity sports for girls. Even though our history is short, our tradition is rich and our excellence is known throughout the state. The variety allows everyone interested in athletics to participate regardless of physical stature.

A strong vocal and instrumental music program is available for the musically inclined. Music as an art form fosters self-expression and contributes to the development of the whole person.

We encourage students to participate in meaningful activities outside the school. The past few years West Catholic students have led all other schools in awards and leadership positions in the Junior Achievement program.

West Catholic features a strong philosophy of discipline. Our students are expected to attend all day, every day, prepared to study. Education is important, Christian respect for one another is important. Discipline develops this respect so that a few cannot prevent the majority from getting what is rightfully theirs - an education.

What do you want your child to learn at school?

Young people learn more in their classroom than is contained in a textbook. Facts and figures may be forgotten, but lessons in living - good and bad - remain.

Every year hundreds of young Catholics and their families turn to West Catholic for an atmosphere that encourages EXCELLENCE, INVOLVEMENT AND SPIRITUAL GROWTH AS A WAY OF LIFE.

PLAINTIFFS' EX 28

SERVICES PROVIDED FOR NON-PUBLIC SCHOOLS

Since 1970, the Grand Rapids Public Schools and non-public schools in the community have developed a new spirit of cooperation to provide additional educational services for the benefit of all children. The following compares the number of students this year to the number served during the 1970/71 school year.

	NUMBER OF STUDENTS SERVED	
	1970/71	1978/79
Transportation	-	5,519 (1980)
Drownproofing	-	820
Shared Time Classes (Phys. Ed., Art, Reading, Math, etc.)	194	12,479
Driver Education	-	899
Educational Park	42	244
Kent Skills Centers	-	198
Community Education & Adult Education	-	11,952
Compensatory Education	456	575
Psychological Services	229	194
Social Work	189	272
Speech Pathology	456	300 (1980)
TOTAL	1,566	33,461

Additional Services for Non-Public Schools

The Grand Rapids Public Schools also provided non-public schools with the following additional services which affect many more non-public students.

Athletics Services

Non-public schools use Grand Rapids Public School's athletic facilities, such as Houseman Field & two high school swimming pools, free of charge.

Audio Visual

The film library of the Grand Rapids Public Schools is available to non-public schools as well as to private colleges in the area. Over 3,000 film bookings were placed for non-public schools in the school year 1978/79. In addition to the film library, other audio services and equipment are also available through the district's Instructional Media Center.

Cabletelevision

Since 1976 the public and non-public schools have cooperated in their involvement with cabletelevision activities. All schools in Grand Rapids, kindergarten through 12th grade use Channel E, the access channel designed for educational purposes. In addition, representatives from all schools meet regularly to discuss school wiring, programming and other concerns related to the effective use of cable in the schools.

Cooperative Purchasing

Most non-public schools buy their school and maintenance supplies through the public school purchasing office at the public school cost. This quantitative buying saves all systems a great amount of money.

Mail Delivery

The Grand Rapids Public School system delivers inter-office mail to non-public schools which house community education programs. During the 1979/80 school year, mail is being delivered to forty-seven (47) non-public schools a minimum of twice a week either directly or to the nearest public school building.

Paperback Books

Since the adoption of legislation of 1974, \$17,400 has been allocated to non-public schools for the purchase of paperback books.

Reading Consultation

Seventeen (17) reading consultants are currently assigned one-half (½) day per week to each of twenty-two (22) non-public elementary schools. These consultants are available to work in the classroom with students and to assist teachers, both individually and in group in-service on request. Eight (8) non-public schools have a reading teacher to work with students 2½ days per week.

The following non-public schools currently receive one or more of the above services provided by the Grand Rapids Public Schools.

SECONDARY SCHOOLS

Baptist Academy  
Catholic Central  
Grand Rapids Christian  
St. Joseph Seminary

Sylvan Junior High  
Villa Maria  
West Catholic

ELEMENTARY SCHOOLS

Adams St. Protestant Reformed  
Baptist Academy Crestview Elementary  
Blessed Sacrament  
Climbing Tree  
Creston Christian  
Holy Name  
Holy Spirit  
Holy Trinity  
Immaculate Heart of Mary  
Immanuel-St. James Lutheran  
Martin Luther  
Marywood Academy  
Millbrook Christian  
Oakdale Christian  
Plymouth Christian  
Sacred Heart  
St. Adalbert

St. Alphonsus  
St. Andrew  
St. Anthony  
St. Francis Xavier  
St. Isidore  
St. James  
St. Jude  
St. Mary  
St. Paul the Apostle  
St. Peter and Paul  
St. Stephen  
St. Thomas  
Seventh-Day Adventist  
Seymour Christian  
Sylvan Christian  
Westside Christian

PLAINTIFFS' EX 31

Text approved by the National Conference of Catholic Bishops at their General Meeting,  
November 14-17, 1977.

Approved by the Sacred Congregation for the Clergy, Second Office, October 30, 1978.



#### DOCUMENTS OF VATICAN II

Bishops:	<i>Decree on the Bishops' Pastoral Office in the Church (Ut Sodales Dimicant)</i>
Christian Education:	<i>Declaration on Christian Education (Gravissimum Educationis)</i>
Church:	<i>Dignitatis Caritatis in Ecclesia (Caritatis in Ecclesia)</i>
Eastern Churches:	<i>Decree on Eastern Catholic Churches (Orientalium Ecclesiarum)</i>
Eccumenism:	<i>Decree on Ecumenism (Unitatis Redintegratio)</i>
Laity:	<i>Decree on the Apostolate of the Laity (Opus Dei Laicorum)</i>
Missionary Activity:	<i>Decree on the Church's Missionary Activity (Ad Gentes)</i>
Modern World:	<i>Pastoral Constitution on the Church in the Modern World (Gaudium et Spes)</i>
Non-Christian Religions:	<i>Declaration on the Relationship of the Church to Non-Christian Religions (Nostra Aetate)</i>
Priestly Formation:	<i>Decree on Priestly Formation (Opus Dei Institutorum)</i>
Priests:	<i>Decree on the Ministry and Life of Priests (Presbyterorum Ordinis)</i>
Religious Freedom:	<i>Declaration on Religious Freedom (Dignitatis Humanae)</i>
Religious Life:	<i>Decree on the Appropriate Renewal of the Religious Life (Perfectae Caritatis)</i>
Revelation:	<i>Dignitatis Constitution on Divine Revelation (Dei Verbum)</i>
Sacred Liturgy:	<i>Constitution on the Sacred Liturgy (Sacramentorum Significatio)</i>
Social Communication:	<i>Decree on the Instrumentum of Social Communication (Inter Medias)</i>

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#### OTHER CHURCH DOCUMENTS

<i>A Call to Action</i> (Paul VI, 1971): <i>A Call to Action, Apostolic Letter on the Decree of the Eighteenth Assembly of the</i> Eccl. Review Novem, May 16, 1971.
<i>BT</i> : <i>Basic Teachings for Catholic Religious Education</i> . Prepared by the National Conference of Catholic Bishops in consultation with the Holy See. January 1973.
<i>CGD</i> : <i>General Catechetical Directory</i> . Prepared by the Sacred Congregation for the Clergy and approved by Pope Paul VI on March 10, 1971. © Copyright 1971 by the United States Catholic Conference. All rights reserved.
<i>DS</i> : <i>Actions in the World</i> . Prepared by the Second General Assembly of the Synod of Bishops and confirmed by Pope Paul VI on November 30, 1971.
<i>EV</i> : <i>Evangelii Nuntiandi</i> (Evangelization of Peoples). An Apostolic Exhortation of Pope Paul VI, December 8, 1975.
<i>GC</i> : <i>Gravissimum Educationis</i> (Caritas in Ecclesia). Encyclical Letter of Pope Paul VI, August 6, 1965.
<i>PA</i> : <i>Pastor Acri</i> (John XXIII, 1963). <i>Pastor Acri (Pastor in Terra)</i> . Encyclical Letter of Pope John XXIII, April 11, 1963.
<i>SS</i> : <i>Saints Lives</i> (Decree of the Faith, 1975). <i>Decree on Certain Questions Concerning Saintly Lives</i> . Sacred Congregation for the Decree of the Faith, December 29, 1975.
<i>TJD</i> : <i>To Teach As Jesus Did. A Pastoral Strategy on Catholic Education</i> . National Conference of Catholic Bishops, November 1972.
<i>TLC</i> : <i>To Live in Christ Jesus. A Pastoral Reference on Moral Values</i> . National Conference of Catholic Bishops, 1976.

#### OTHER SOURCES

<i>Catholic Schools in a Declining Church</i> (1976). Crowley, Andrew M., McCloskey, William C., and McCourt, Kathleen. <i>Catholic Schools in a Declining Church</i> . Sheed and Ward, Inc., Kansas City, 1976.
<i>Religion and American Youth</i> (1976). Pevni, Raymond H., Hege, Doug R., Nelson, Hart M., <i>Religion and American Youth with emphasis on Catholic Adolescents and Young People</i> . Publications Office, United States Catholic Conference, 1976.
<i>The Religion of Children</i> (1976). Nelson, Hart M., Pevni, Raymond H., Shultz, Joseph. <i>The Religion of Children</i> . Publications Office, United States Catholic Conference, 1976.

and manifest itself."<sup>18</sup> However, programs for preschool children themselves are also desirable, in accordance with the guidance given in article 177.

#### 231. *Spiritual catechesis*

Catechetical programs for people with mental, emotional, or physical handicaps should be provided on the parochial, regional, or diocesan level. Each handicap requires its own approach, and separate programs are therefore required for each category of handicapped persons. Those involved in special catechetical programs should receive the training needed to perform their particular duties.

The parish community should be informed about the needs of its handicapped members and encouraged to support them with love and concern. The faith witness of handicapped persons can be a model and stimulus to growth in faith on the part of parishioners generally.

The families of the handicapped also need care and concern, including assistance directed to helping them participate with competence and confidence in the catechesis of their handicapped members.

#### 232. *Catholic schools*

Catholic schools are unique expressions of the Church's effort to achieve the purposes of Catholic education among the young. They "are the most effective means available to the Church for the education of children and young people."<sup>19</sup>

Catholic schools may be part of the parish structure, interparochial or regional, diocesan or private. Growth in faith is central to their purpose.

As a community and an institution, the school necessarily has an independent life of its own. But a parochial school is also a community within the wider community, contributing to the parish upon which it depends and integrated into its life. Integration and interdependence are major matters of parish concern; each program in a total catechetical effort should complement the others.<sup>20</sup>

Similarly, regional, diocesan, and private schools should work in close collaboration with neighboring parishes. The experience of community in the schools can benefit and be benefited by the parishes.

Teachers in Catholic schools are expected to accept and live the Christian message and to strive to instill a Christian spirit in their students. As catechists, they will meet standards equivalent to those set for other disciplines and possess the qualities described in Chapter IX, Part A.

The school should have a set religion curriculum, with established goals and objectives, open to review and evaluation by parish boards and diocesan supervisory teams. It is recommended that an integrated curriculum provide options for catechists and students by offering electives along with the core curriculum.

It is desirable that Catholic high schools in a diocese work together to share resources, provide opportunities for teacher training and development, and cooperate in establishing program guidelines.

The school's principal and faculty are responsible for making clear the importance of religion. The quality of the catechetical experience in the school and the importance attached to religious instruction, including the amount of time spent on it, can influence students to perceive religion as either highly important or of little importance.

Its nature as a Christian educational community, the scope of its teaching, and the effort to integrate all learning with faith distinguish the Catholic school





*Michel Herbelot*

from other forms of the Church's educational ministry to youth and give it special impact. In Catholic schools children and young people "can experience learning and living fully integrated in the light of faith,"<sup>13</sup> because such schools strive "to relate all human culture eventually to the news of salvation, so that the life of faith will illuminate the knowledge which students gradually gain of the world, of life and of mankind."<sup>14</sup> Cooperative teaching which cuts across the lines of particular disciplines, interdisciplinary curricula, team teaching, and the like help to foster these goals of Catholic education.

"Building and living community must be prime, explicit goals of the contemporary Catholic school."<sup>15</sup> Principal and faculty members have a responsibility to help foster community among themselves and the students. Creative paraliturgies and sacramental celebrations for particular age groups can strengthen the faith community within the school.

Catholic school students should be introduced gradually to the idea and practice of Christian service. In early years, efforts to instill a sense of mission and concern for others help lay a foundation for later service projects, as does study of the lives of the saints and outstanding contemporaries.

Junior and senior high school programs should foster a social conscience sensitive to the needs of all. Familiarity with the Church's social encyclicals and its teaching on respect for human life will be part of this formation.<sup>16</sup> (U.S. Chapter VII) Opportunities for field and community experiences are highly desirable. Teachers, administrators, parents, and students should be involved in planning service projects. One measure of a school's success is its ability to foster a sense of vocation, of eagerness to live out the basic baptismal commitment to service, whether this is done as a lay person, religious, deacon, or priest.

Catechesis speaks of the missionary nature of the Church. It points out that all Christians are responsible for missionary activity by reason of the love of God, which prompts in them a desire to share with everyone the spiritual goods of this life and the life to come. Catholic schools provide opportunities for participation in missionary projects through the Holy Childhood Association, the Society for the Propagation of the Faith, etc. They also provide students with opportunities to search for the gifts that the Holy Spirit offers them for this ministry.

Through a carefully planned process, the entire school community — parents, students, faculty, administrators, pastors, and others — needs to be involved in the development of its goals, philosophy, and programs.

### 233. *Catholic schools and the disadvantaged*

The Second Vatican Council urged bishops and all Catholics to "spare no sacrifice" in helping Catholic schools to fulfill their functions more perfectly, and especially to care for "the needs of those who are poor in the goods of this world or who are deprived of the assistance and affection of a family or who are strangers to the gift of faith."<sup>17</sup>

In many places in the United States the Church has responded with an extremely large human and economic investment in schools whose pupils are for the most part disadvantaged children in the poverty areas of large cities. An increasing number of parents in poverty areas are making heroic personal sacrifices to send their children to Catholic schools, convinced that the education provided there affords a realistic and hopeful opportunity for breaking out of "the hellish cycle of poverty"<sup>18</sup> and moving into the social and economic mainstream. These schools serve a critical human and social need, while also providing a complete education which includes catechesis and guidance. In

urban areas the Catholic school has a special role of giving witness and fostering evangelization.

### 234. *Religion and public education*

In a series of decisions concerning prayer and Bible reading during the 1960s, the United States Supreme Court in effect excluded specific efforts to inculcate religious values from the public schools.<sup>19</sup>

Efforts have been made to fill the vacuum created by these decisions by introducing into public schools courses and programs which in one way or another bear upon religion and values. The objective study of religion, whatever form it takes, seeks to convey information about religion or to foster appreciation of its nonreligious contributions, but not to advocate religious belief and values; while courses in sex education, psychology, and sociology, along with "sensitivity" and value clarification programs, deal directly with values.

Many believe it is not possible to produce neutral textbooks on religion and values, much less to teach in a truly neutral way about such matters. Some ask whether "neutrality" about religion and values is appropriate, even supposing it were possible. Many, particularly parents and Church leaders, believe so-called neutrality of this kind weakens young people's religious and moral beliefs and leads to relativism and indifference.

In order to remedy the situation, parents and community leaders, including representatives of churches and synagogues, should become involved in the planning, development, implementation, and evaluation of courses and programs dealing with religion and values. Issues of a highly controversial nature should be treated with extreme sensitivity. Teachers and administrators should be conscious of their responsibility to deal respectfully with pupils from diverse backgrounds and value systems, and should be adequately trained to do so. When young people or their parents object to a program on religious or moral grounds, the public schools should exempt such pupils from participation without embarrassing them.

It is important that parish planners be aware of such courses and programs in public schools and be prepared to address the issues and questions they raise in parish catechetical programs.

### 235. *Released time*

The laws of some states provide for releasing students from public school during regular school hours so that they can attend catechetical programs off the school premises.<sup>20</sup>

Some states make an hour or more available each week for catechetical instruction. Others provide for "staggered" time, releasing students on an individual or group basis at different hours and days throughout the week. While a number of places have reported good success with these forms of released time, others have complained that scheduling and transportation present serious practical difficulties; they have also noted the bad effect of compartmentalizing religion and relegating catechesis to a small and inadequate portion of the child's or youth's total school time.

More satisfactory results have been reported in a few places which make available a block of time for catechesis — several hours, a whole day, or even several consecutive days.

Good results have been achieved in both released time programs and after-school catechesis by catechetical centers established adjacent to public schools.



PLAINTIFFS' EX 32

*Declaration on  
Christian Education*

PAUL, BISHOP  
SERVANT OF THE SERVANTS OF GOD  
TOGETHER WITH THE FATHERS OF THE SACRED COUNCIL  
FOR EVERLASTING MEMORY

INTRODUCTION

This sacred Ecumenical Synod has carefully considered the paramount importance of education in the life of man, and its ever-mounting influence on the social progress of this age.<sup>1</sup> In fact, the education of the young and even a measure of continued instruction for adults have grown both easier and more urgent in the circumstances of our times. For as men grow more conscious of their dignity and calling, they prefer to take an increasingly active part in the life of society, espe-

1. Among many documents illustrating the importance of education, see especially:  
Benedict XV, apostolic letter "Communes Litteras," Apr. 10, 1919; AAS 11 (1919), p. 172.

Pius XI, encyclical letter "Divini Illius Magistri," Dec. 31, 1939; AAS 22 (1940), pp. 49-86.

Pius XII, allocution to the youths of Italian Catholic Action, Apr. 29, 1946; "Discorsi e Radiomessaggi," Vol. 8, pp. 53-57.

Pius XII, allocution to fathers of Families of France, Sept. 18, 1951; "Discorsi e Radiomessaggi," Vol. 11, pp. 241-245.

John XXIII, message on the 50th anniversary of the publication of the encyclical letter "Divini Illius Magistri," Dec. 30, 1959; AAS 52 (1960), pp. 57-59.

Paul VI, allocution to members of Federated Institutes Dependent on Ecclesiastical Authority, Dec. 30, 1963; "Enseñanzas e Discorsi di S.S. Paul VI," Vol. I, Rome 1964, pp. 601-603.

In addition, there may be consulted "Acta et Documenta Concilio Oecumenico Vaticano II appartenuti," series I, "Antepreparatoria," Vol. III, pp. 363-364, 370-371, 373, 374.

cially in economic and political matters.<sup>2</sup> Enjoying more leisure, as they sometimes do, men find that remarkable developments in technology and in scientific investigation, and new means of social communication offer them readier opportunities for attaining their inheritance of intellectual and spiritual culture, and for fulfilling themselves and one another by forging stronger bonds between various groups and even whole peoples.

As a result, ever-increasing efforts are being everywhere expended to promote the work of education. The primary rights of men with respect to education, especially those of children and of parents, are being emphasized, and are finding expression in public documents.<sup>3</sup> On every side, as the number of pupils rapidly increases, schools are being multiplied and perfected, and other educational institutions are being established. Techniques of education and training are being refined on the basis of new experiments. Strenuous efforts are being made so that all men can obtain an education, though, admittedly, vast numbers of children and young people are still being deprived of even rudimentary training, and many others lack the suitable kind of education in which truth and love are simultaneously inculcated.

In fulfilling the mandate she has received from her divine Founder to proclaim the mystery of salvation to all men, and to restore all things in Christ, Holy Mother the Church must be concerned with the whole of man's life,<sup>4</sup> even the earthly part of it insofar as that has a bearing on his heavenly calling.<sup>5</sup> Therefore she has her role to play in the progress and

2. Cf. John XXIII, encyclical letter "Mater et Magistra," May 15, 1961; AAS 53 (1961), pp. 413, 415-417, 424.

Also his encyclical letter "Pacem in Terris," Apr. 1, 1963; AAS 55 (1963), pp. 278 ff.

3. Cf. the universal profession of the rights of man ("Déclaration des droits de l'homme") of Dec. 10, 1948, adopted by the General Assembly of the United Nations; see also "Déclaration des droits de l'enfant" of Nov. 20, 1959; also "Protocole additionnel à la convention de sauvegarde des droits de l'homme et des libertés fondamentales," Paris, Mar. 28, 1952; regarding that universal profession of the rights of man mentioned above, cf. John XXIII, encyclical letter "Pacem in Terris," Apr. 1, 1963; AAS 55 (1963), pp. 295 ff.

4. The Council here states its basic position with regard to the Declaration on Christian Education. Although the Church is concerned primarily with the spiritual and supernatural destiny of man, it recognizes the intimate connection between that destiny and "the whole of man's life." See introductory notes.

5. Cf. John XXIII, encyclical letter "Mater et Magistra," May 15, 1961; AAS 53 (1961), p. 402.

See also Second Vatican Council's Dogmatic Constitution on the Church,

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spread of education. Hence this sacred Synod enunciates certain basic principles of Christian education, especially those applicable to formal schooling. These principles will have to be developed at greater length by a special postconciliar Commission and applied by episcopal conferences to varying local situations.

1. Since every man of whatever race, condition, and age is endowed with the dignity of a person, he has an inalienable right to an education<sup>8</sup> corresponding to his proper destiny<sup>9</sup> and suited to his native talents, his sex, his cultural background, and his ancestral heritage. At the same time, this education should pave the way to brotherly association with other peoples, so that genuine unity and peace on earth may be promoted. For a true education aims at the formation of the human person with respect to his ultimate goal, and simultaneously with respect to the good of those societies of which, as a man, he is a member, and in whose responsibilities, as an adult, he will share.

As a consequence, with the help of advances in psychology and in the art and science of teaching, children and young people should be assisted in the harmonious development of their physical, moral, and intellectual endowments. Surmounting hardships with a gallant and steady heart, they should be helped to acquire gradually a more mature sense of responsibility toward enabling their own lives through constant effort, and toward pursuing authentic freedom. As they advance in years, they should be given positive and prudent sexual education. Moreover, they should be trained to take their part in social life, so that by proper instruction in necessary and useful skills they can become actively involved in various community organizations, be ready for dialogue with others, and be willing to act energetically on behalf of the common good.

This holy Synod likewise affirms that children and young people have a right to be encouraged to weigh moral values with an upright conscience, and to embrace them by personal

<sup>8</sup>Art. II: *AAS* 57 (1965), p. 21; also the schema of the Pastoral Constitution on the Church in the Modern World (1963), passim.

<sup>9</sup>Pius XII, radio message of Dec. 24, 1942: *AAS* 33 (1943), pp. 12, 29; John XXIII, encyclical letter "Pacem in Terris," Apr. 11, 1963: *AAS* 55 (1963), pp. 239 ff. See also the declaration of the rights of man cited in note (3).

<sup>10</sup>Cf. Pius XI, encyclical letter "Divini Illius Magistri," Dec. 31, 1929: *AAS* 21 (1930), pp. 30 ff.

THE DOCUMENTS OF VATICAN II

choice, and to know and love God more adequately.<sup>10</sup> Hence, it earnestly entreats all who exercise government over peoples or preside over the work of education to see that youth is never deprived of this sacred right. It urges sons of the Church to devote themselves generously to the whole enterprise of education, with the special aim of helping to bring more speedily to all men everywhere the worthy benefits of education and training.<sup>11</sup>

2. Since every Christian has become a new creature<sup>12</sup> by rebirth from water and the Holy Spirit, so that he may be called what he truly is, a child of God, he is entitled to a Christian education. Such an education does not merely strive to foster in the human person the maturity already described. Rather, its principal aims are these:<sup>13</sup> that as the baptized person is gradually introduced into a knowledge of the mystery of salvation, he may daily grow more conscious of the gift of faith which he has received; that he may learn to adore God the Father in spirit and in truth (cf. Jn. 4:23), especially through liturgical worship; that he may be trained to conduct his personal life in righteousness and in the sanctity of truth, according to his new standard of manhood (Eph. 4:22-24).

Thus, indeed, he may grow into manhood according to the mature measure of Christ (cf. Eph. 4:13), and devote himself to the upbuilding of the Mystical Body. Moreover, aware of his calling, he should grow accustomed to giving witness to the hope that is in him (1 Pet. 3:15), and to promoting that Christian transformation of the world by which natural values, viewed in the full perspective of humanity as redeemed by Christ, may contribute to the good of society as a whole.<sup>14</sup>

8. The theme of personal responsibility which has dominated so many of the deliberations of Vatican II comes out very clearly here. Note the insistence on children and young people and their own development in contradistinction to a previous attitude of education as if it were imposed from above. There is an interesting connection between this paragraph and the Declaration on Religious Freedom.

9. Cf. John XXIII, encyclical letter "Huic Miseri Subveni," May 15, 1961: *AAS* 53 (1961), pp. 461 ff.

10. Cf. Pius XI, encyclical letter "Divini Illius Magistri," loc. cit., p. 23.

11. Here is the most positive statement of the true essence of Christian education. The Christian view of life is simply different and is based on a belief in a supernatural life. The result is that the Christian can never be satisfied with mere material-minded education. It also explains why Christian education is not merely ordinary education with an added dose of religious knowledge.

12. Cf. Second Vatican Council, Dogmatic Constitution on the Church, Art. XI: *AAS* 57 (1965), pp. 61 ff.

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Therefore this holy Synod reminds pastors of souls of their acutely serious duty to make every effort to see that all the faithful enjoy a Christian education of this sort, especially young people, who are the hope of the Church.<sup>13</sup>

3. Since parents have conferred life on their children, they have a most solemn obligation to educate their offspring. Hence, parents must be acknowledged as the first and foremost educators of their children.<sup>14</sup> Their role as educators is so decisive that scarcely anything can compensate for their failure in it. For it devolves on parents to create a family atmosphere so animated with love and reverence for God and men that a well-rounded personal and social development will be fostered among the children.<sup>15</sup> Hence, the family is the first school of those social virtues which every society needs.

It is particularly in the Christian family, enriched by the grace and the office of the sacrament of matrimony, that from their earliest years children should be taught, according to the faith received in baptism, to have a knowledge of God, to worship Him, and to love their neighbor. Here, too, they gain their first experience of wholesome human companionship and of the Church. Finally, it is through the family that they are gradually introduced into civic partnership with their fellow men, and into the People of God. Let parents, then, clearly recognize how vital a truly Christian family is for the life and development of God's own people.<sup>16</sup>

While belonging primarily to the family, the task of imparting education requires the help of society as a whole. In addition, therefore, to the rights of parents and of others to whom parents entrust a share in the work of education, certain rights and duties belong to civil society.<sup>17</sup> For this society

13. Cf. Second Vatican Council, *Decree on the Apostolate of the Laity* (1963), Art. 12.

14. Cf. Pius XI, encyclical letter "Divini Illius Magistri," loc. cit., pp. 39 ff.; also encyclical letter "Mit Brennender Sorge," Mar. 14, 1937; AAS 29 (1937), pp. 164 ff.

Pius XII, allocution to the first national congress of the Italian Association of Catholic Teachers, Sept. 8, 1946; "Discorsi e Radiomessaggi," Vol. 8, p. 218.

15. The rights of parents are set out very much as they were in the encyclical of Pope Pius XI on Catholic education. However, attention should be drawn here to the spiritual and psychological role of parents. It is a development of the concept that the prime educative force in society is the family.

16. Cf. Second Vatican Council, *Dogmatic Constitution on the Church*, Art. 17 and 18; AAS 57 (1965), pp. 16 and 40 ff.

17. The Declaration limits the powers of the state rather sharply in this paragraph. Note the unusual application of the principle of subsidiarity.

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THE DOCUMENTS OF VATICAN II

exists to arrange for the temporal necessities of the common good. Part of its duty is to promote the education of the young in several ways: namely, by overseeing the duties and rights of parents and of others who have a role in education, and by providing them with assistance; by implementing the principle of subsidiarity\* and completing the task of education, with attention to parental wishes, whenever the efforts of parents and of other groups are insufficient; and, moreover, by building its own schools and institutes, as the common good may demand.<sup>18</sup>

Finally, the office of educating belongs by a unique title to the Church, not merely because she deserves recognition as a human society capable of educating, but most of all because she has the responsibility of announcing the way of salvation to all men, of communicating the life of Christ to those who believe, and of assisting them with ceaseless concern so that they may grow into the fullness of that same life.<sup>19</sup> As a mother, the Church is bound to give these children of hers the kind of education through which their entire lives can be penetrated with the spirit of Christ, while at the same time she offers her services to all peoples by way of promoting the full development of the human person, for the welfare of earthly society and the building of a world fashioned more humanly.<sup>20</sup>

4. In discharging her educative function, the Church is preoccupied with all appropriate means to that end. But she is particularly concerned with the means which are proper to herself,

\*For the principle of subsidiarity, cf. footnote on Art. 86c, *Pastoral Constitution on the Church in the Modern World*.—Ed.

18. Cf. Pius XI, encyclical letter "Divini Illius Magistri," loc. cit., pp. 61 ff.

Pius XII, radio message of June 1, 1947; AAS 39 (1947), p. 200; allocution to the first national congress of the Italian Association of Catholic Teachers, Sept. 8, 1946; "Discorsi e Radiomessaggi," Vol. 8, p. 218.

Regarding the principle of subsidiarity, cf. John XXIII, encyclical letter "Pacem in Terris," Apr. 11, 1963; AAS 46 (1963), p. 296.

19. Cf. Pius XI, encyclical letter "Divini Illius Magistri," loc. cit., pp. 51 ff.

Also his encyclical letter "Non abbiamo bisogno," June 29, 1931; AAS 21 (1931), pp. 311 ff.

Pius XII, letter of the Secretariate of State to the 20th Italian Social Week, Sept. 20, 1955; "L'Observatore Romano," Sept. 20, 1955.

20. The Church prays those local, national, and international civil authorities who, conscious of the more pressing necessities of these times, expend all their energy so that all people may share a fuller education and human culture. Cf. Paul VI's allocution to the General Assembly of the United Nations, Oct. 6, 1965; "L'Observatore Romano," Oct. 6, 1965.

## TO TEACH AS JESUS DID

A Pastoral Message on  
Catholic Education

NATIONAL CONFERENCE  
OF  
CATHOLIC BISHOPS

November, 1972

1973  
Publications Office  
UNITED STATES CATHOLIC CONFERENCE  
1312 Massachusetts Avenue, N.W.  
Washington, D.C. 20005

"tasks and responsibilities" of catechists, "it is not enough to rest content with the distribution of forces already existing; it is also necessary that effort on the part of all Christians be more and more stimulated and promoted. Care must be taken to make the Christian community every day conscious of its duty." (General Catechetical Directory, 107) A comprehensive vision of the Christian ministry in education, and integrated structures to embody it, seem now to offer the best hope for achieving the greatest success with the largest number of Catholic children and young people, both those who attend Catholic schools and those who do not.

### CATHOLIC SCHOOLS

101 Of the educational programs available to the Catholic community, Catholic schools afford the fullest and best opportunity to realize the threefold purpose of Christian education among children and young people. Schools naturally enjoy educational advantages which other programs either cannot offer or can offer only with great difficulty. A school has a greater claim on the time and loyalty of the student and his family. It makes more accessible to students participation in the liturgy and the sacraments, which are powerful forces for the development of personal sanctity and for the building of community. It provides a more favorable pedagogical and psychological environment for teaching Christian faith. With the Second Vatican Council we affirm our conviction that the Catholic school "earns its immense importance in the circumstances of our times" and we recall the duty of Catholic parents "to entrust their children to Catholic schools, when and where this is possible, to support such schools to the extent of their ability, and to work along with them for the welfare of their children." (Christian Education, 3)

Doctrine, Community, Service

102 Christian education is intended to "make man's laud become living, conscious, and active, through the light of instruction." (The Bishops' Office in the Church, 14) The Catholic school is the unique setting within which this ideal can be realized in the lives of Catholic children and young people.

103 Only in such a school can they experience learning and living fully integrated in the light of faith. "The Catholic school strives to relate all human culture eventually to the news of salvation, so that the life of faith will illumine the knowledge which students gradually gain of the world, of life, and of mankind." (Christian Education, 8) Here, therefore, students are instructed in human knowledge and skills, valued indeed for their own worth but seen simultaneously as deriving their most profound significance from God's plan for His creation. Here, too, instruction in religious truth and values is an integral part of the school program. It is not one more subject alongside the rest, but instead it is perceived and functions as the underlying reality in which the student's experiences of learning and living achieve their coherence and their deepest meaning.

104 This integration of religious truth and values with the rest of life is brought about in the Catholic school: not only by its unique curriculum but, more important, by the presence of teachers who express an integrated approach to learning and living in their private and professional lives. It is further reinforced by free interaction among the students themselves within their own community of youth.

105 This integration of religious truth and values with life distinguishes the Catholic school from other schools. This is a matter of crucial importance today in view of contemporary trends and pressures to compartmentalize life and learning and to isolate the religious dimension of existence from other areas of human life. A Catholic teacher, whom religious commitment is the central, integrative reality of his life will find in the Catholic school a perception and valuation of the role of religion which matches his own.

106 More than any other program of education sponsored by the Church, the Catholic school has the opportunity and obligation to be unique, contemporary, and oriented to Christian service: unique because it is distinguished by its commitment to the threefold purpose of Christian education and by its total design and operation which foster the integration of religion with the rest of learning and living; contemporary because it enables students to address with Christian insight the multiple problems which face individuals and society today; oriented to Christian

PLAINTIFFS' Ex 34

1951-52

STATISTICAL BREAKDOWN OF STUDENTS PRESENTLY ENROLLED IN CATHOLIC CENTRAL HIGH SCHOOL ACCORDING TO RACE

<u>White</u>	<u>Black</u>
Catholic 843	
Assembly of God 1	Baptist 18
Orthodox 1	Catholic 14
Baptist 1	Protestant 1
	Methodist 3
	Christian 1
	Bethel Pentecostal 2
	Jehovah Witness 2
	Presbyterian 1
<u>Indian</u>	
Catholic 8	Asian
	Catholic 6
<u>Hispanic</u>	
Catholic 15	
Episcopalian 1	

PLAINTIFFS' Ex 35

1951-52  
STATISTICAL BREAKDOWN OF ASSISTANT PRINCIPALS AND TEACHERS AT CATHOLIC CENTRAL HIGH SCHOOL ACCORDING TO RELIGION

Miss Joan Bagrowski	Catholic
Miss Kim Baird	Non-Denominational
Mrs. Barbara Braybrook	Catholic
Mr. Anthony Guigueria	Catholic
Mr. Kevin Casey	Catholic
Mrs. Olive Clark	Catholic
Mrs. Linda Conway	Catholic
Mr. Gary Dickerson	Catholic
Mr. Brian Dillon	Methodist
Mr. John Dolce	Catholic
Mrs. Helen Emerson	Catholic
Mr. Roy Emerson	Catholic
Mr. James Engemann	Catholic
Sister Robert Ann Eras	Catholic
Mr. Dennis Fish	Catholic
Mr. James Gardiner	Catholic
Mr. Joseph Godleski	Catholic
Mr. David Honey - Adm. Assistant	Catholic
Sister Katrina Hartman	Catholic
Mrs. Judith Hillis	Catholic
Mr. Fred Jamros	Unity Christian
Mr. Lenn Jackowski	Catholic
Mrs. Lois Jones	Catholic
Sister Peter Verona Krolenda	Episcopalian
Mr. Jerome Krenzelakski	Catholic
Mr. Charles Lane	Catholic
Mr. John Longo	Catholic
Mr. Donald Lynch	Catholic
Mr. Raymond McCahill - Asst. Principal	Catholic
Sister Irene Mary McDonnell	Catholic
Mrs. Connie Rietberg	Reformed
Mr. Ralph Shafferly	Catholic
Mr. Eugene Skarinski	Catholic
Mr. Jules Sommer	Catholic
Mrs. Renetta Swanson	Catholic
Sister Elegia Tim	Catholic
Mrs. Debra Thornton	Catholic
Mr. Clayton Valle	Catholic
Mrs. Sandra Veebit	Catholic
Mr. John Veebit	Catholic
Mrs. Mary Wembolt	Catholic
Mrs. Kathryn Walsh	Catholic
Sister Verona Wangler	Catholic
Mr. Larry Ward	Catholic
Miss Wendelyn Willison	Catholic
Mr. James Wisniewski	Catholic

PLAINTIFFS' EX 45

ARTICLES OF ORGANIZATION OF THE  
CATHOLIC INTER-ARCHDIOCESSAN HIGH SCHOOL ASSOCIATION  
(revised 10/20/76 and 1/10/77)

ARTICLE I

The purposes for which this Association was formed are set forth in Article I of the Articles of Association.

Former Article II on the Association seal has been omitted.

Former Article III on Membership has been omitted, because it repeated verbatim what is in the ARTICLES on that subject.

ARTICLE II

Board of Directors

1. The powers, business and property of the Association shall be exercised, conducted and controlled by a Board of Directors of seventeen (17) members.

Number was formerly fifteen (15).

2. One Director shall be the Bishop of the Roman Catholic Diocese of Grand Rapids or his representative, who shall serve at the will of said Bishop.
3. Five of the Directors shall be Catholic priests who are members of the Association. They shall be elected, in a manner decided by themselves, by majority vote of the pastor, co-pastor, and associate pastor, of the parishes which pay an assessment in support of Catholic Central and West Catholic High Schools, both of Grand Rapids, Michigan. Election of four of the priest-Directors shall be carried out within their respective deaneries; the fifth shall be elected at large. Said priests shall be elected for three-year terms as follows:

two were elected on March 6, 1973;

two were elected on the second Wednesday in May of 1974;

one was elected on the third Wednesday in May of 1975.

Election of priest-Directors shall occur in the same manner in the succeeding years thereafter, that is, two in 1976, two in 1977, one in 1978, and so on, all for three-year terms.

The earlier Bylaw did not include associate pastors, nor did it provide that four priests be elected by the respective deaneries; all five were elected at large.

1. Two (2) lay male representatives, one from the Loretto Sisters of Marywoode and one from the Notre Dame Sisters of Notre Dame, who shall serve by reason of their appointment by the Major Superiors of their respective Congregations at the will of said Superiors.

2. Nine (9) Directors shall be lay men or women who shall be elected at the regular annual meeting of the members of the Association, which shall be held on the third Wednesday in May, and in the same month of each succeeding year thereafter. Lay Directors shall be nominated and elected in the manner and for terms as follows:

3. The existing lay Directors shall select a Nominating Committee consisting of three lay persons, one of whom shall be a Director and one not a Director. No person seeking election or re-election in that year may serve on the nominating Committee.

Nominations made by the Nominating Committee shall be sent to the Secretary of the Board. Nominations may also be made by no fewer than ten (10) members of the Association and presented in writing to the Secretary of the Board. All nominations must reach the Secretary in time to be published to the electors at least thirty (30) days before the regular annual meeting of the Association. There shall be at least two nominees for each vacancy in lay-Directorships.

Earlier versions provided for seven lay Directors and did not specify the time of the annual elections. Selection of the Nominating Committee was restricted to remaining Directors, and the two members chosen for that Committee selected the third member.

4. Election of lay Directors shall be by vote of electors from each parish in or adjoining Kent County, Michigan, which pays an assessment to one of the two Catholic high schools. Said electors shall be lay persons appointed or elected in a manner to be determined by each said parish. They shall attend the regular annual meeting of the Association for the purpose of electing lay Directors to the vacancies on the Board.

Each eligible parish shall have a minimum of one elector, to be determined by the formula: one elector for each twenty (20) students (or any portion thereof) for whom the parish pays an assessment to one of the two Catholic high schools for the current year.

The parish electors shall receive credentials from their respective pastors, and upon presentation of these credentials to the Secretary of the Board of Directors at the regular annual meeting of the Association, shall be furnished with the appropriate ballot(s).

Earlier versions limited electors to a maximum of 20 to a parish.

- j. A majority of the electors present shall constitute a quorum for purposes of voting. There shall be a separate balloting from the entire list of nominees for each vacancy to be filled. If there are only two nominees for any vacancy, election shall be by majority vote of those present; in the event that there are more than two nominees for any vacancy, election shall be by plurality vote.

The stipulation of a separate balloting for each vacancy was observed for the first time in the elections of May 18, 1977.

- d. The first regular election of lay Directors occurred on March 6, 1973. This first election was to fill three three-year vacancies. At the same time, the length of term of four remaining lay Directors was determined by random choice. Two lay Directors were elected on the second Wednesday in May of 1974, two on the third Wednesday in May of 1975, and three on the third Wednesday of June in 1976. Beginning with May, 1977, three lay Directors shall be elected each year, all for three-year terms. Lay Directors are limited to two consecutive three-year terms, with an interval of one year required before becoming eligible for election or appointment to the Board.

The random choice in 1973 resulted in one-year terms for Timothy Cooray and Richard Mysliviec, two-year terms for Gerald Haussner and Donald Shanks. Elected to three-year terms were Robert Benson, Phyllis Rosenbach, and Harry Mika.

Having three lay Directors elected each year will bring the total to eight in 1977 and to nine in 1978, and will allow for the expiration of terms of 1/3 of the lay Directors each year.

Formerly there was no stated limit to the number of terms a lay Director could serve.

- e. All lay Directors shall be elected at large, but no more than one lay Director from any one parish shall be on the Board at any time. Lay spouses of the Board and their spouses shall not be eligible for election to the Board.

The above restrictions on eligibility did not appear in earlier versions.

6. Vacancies among priest-Directors shall be filled in the same manner as provided in Article II, Section 3. Vacancies among lay Directors shall be filled by vote of the existing lay Directors from a list of nominees to be compiled by a Nominating Committee of the Board. All vacancies shall be filled as soon as possible after they occur, and persons elected to fill vacancies shall hold office for the unexpired term.

Originally all vacancies, clergy included, were filled by the entire Board. The priests requested the right to fill clergy vacancies, and initiated the policy of deanery elections with one priest elected at large.

### ARTICLE III

#### Superintendent

The superintendent of Catholic Central and West Catholic High Schools shall attend all meetings of the Board of Directors, and shall carry out policy established by the Board. If there is no superintendent, the principals of the two high schools shall attend Board meetings and shall carry out policy established by the Board.

Note: If this section has been abolished or superseded, this section should be deleted or revised and brought before the Board as an amendment.

### ARTICLE IV

#### Meetings

1. The regular annual meeting of the members of the Association shall be held on the third Wednesday in May of each year for the purpose of electing lay Directors to the Board. The president or some other Director chosen by the Board of Directors shall preside at the election meeting.
2. Following the regular annual meeting of the Association, the Directors shall meet and organize themselves by the election of a President, a Vice President, a Secretary, a Treasurer, and any other officers of the Board, and shall transact any business to come before the Board.
3. The Board of Directors ordinarily meets monthly at such time and place as the Board or President may direct.

The earlier Bylaw stating the precise day of the month for meetings was replaced by a more general, more flexible statement.

4. Special meetings of the Board of Directors shall be held whenever called by the President, by a committee, or by one-third of all Directors on the Board. Any and all business may be transacted at a special meeting. Each call for a special meeting shall be in writing, signed by the person or persons requesting the same, shall be addressed and delivered to the Secretary, and shall state the purpose(s), time, and place of such meeting.
5. Notice of regular or special meetings of the Board of Directors with the proposed agenda shall be received by each Director at least five (5) days prior to the time set for the meeting.

Former version said "mailed" instead of "received".

6. Regular meetings of the Board of Directors will be public. Executive sessions may be called for by the President or by one-third of the Directors.

ARTICLE V

Quorum

A majority of the existing Directors shall constitute a quorum. A majority vote of the Directors present shall be necessary to pass any resolution or authorize any Association act, always excepting those that require a majority vote of all Directors.

"existing" has been added; "affirmative" (vote) was deleted. The earlier version finalized the Articles requiring a two-thirds majority vote.

ARTICLE VI

Powers of Directors

The Board of Directors shall have power:

1. To call special meetings of the Board according to Bylaw IV, Sections 4 and 6.
2. To appoint and remove agents and employees of the Association; to prescribe their duties, fix their compensation, and require from them, if advisable, security for faithful service.
3. To select one or more banks to act as depository of the funds of the Association and determine the manner of receiving, depositing, and disbursing the funds, the form of checks and the person or persons by whom the same shall be signed, with power to change such banks and the person or persons signing said checks and the form thereof at will.
4. To conduct, manage and control the affairs and business of the Association and to make rules and regulations for the guidance of its officers and management of its affairs.

ARTICLE VII

Duties of Directors

It shall be the duty of the Board of Directors:

1. To attend all regular and special, public and executive meetings of the Board unless legitimately impeded, in which case notice should be given to the President or Secretary.

In the event that a Director anticipates an enforced absence of several months, he/she shall be empowered with the consent of the Board to select a proxy to attend Board meetings during his/her absence. Such proxy shall have the same eligibility for Board membership as the person being replaced, and shall have voice and vote.

2. To keep full and true accounts of all disbursements.

3. To approve the system of bookkeeping and auditing devised by the Treasurer.

Earlier "the dir... recognize the role of the Treasurer.

4. To evaluate the performance of administrators.

5. To keep a complete record of all its acts and of the proceedings of all its meetings.

The m... gain the Board is presented an annual report of its proceedings has been transferred to the duties of the President.

ARTICLE VIII

Officers

The officers of the Board of Directors shall be a President, a Vice-president, a Secretary and a Treasurer, together with any other administrative officers which the Board may see fit in its discretion to provide for.

ARTICLE IX

The President

It shall be the duty of the President:

1. to preside over any and all meetings of the Association and of the Board of Directors.
2. to execute all contracts, notes, papers, documents and other instruments which have been approved by the Board of Directors.
3. to call the Directors together whenever he deems it necessary, and shall have, subject to the advice of the Directors, direction of the affairs of the Association and generally shall discharge such other duties as may be required of him by these Bylaws or by the Board, and shall appoint such committees as the Board of Directors requests or which he deems necessary to appoint.
4. to present a statement at the regular annual meeting of the Association, showing in detail the condition of the affairs of the Association.
5. The power of the President to appoint committees of the Board shall not be construed so as to preclude non-Directors from being invited to membership on Board committees with voice and vote, each such committee having a Director as its chairperson.

ARTICLE X

The Vice-president

The Vice-president shall take the place of the President and shall perform his duties if at any time the President shall be unable to act. If the President and Vice-president shall be unable to act, the Board shall appoint a Director to take the place of the President and to perform his duties.

ARTICLE XI

The Secretary

It shall be the duty of the Secretary:

1. To keep a record of all proceedings of the meetings of the Board of Directors and of the Association, and to furnish the Bishop and each member of the Board of Directors with a copy thereof not later than ten (10) days after said meeting, or at least prior to the next meeting of the Board of Directors.
- Duty to keep and affix seal has been deleted - no seal.
2. To discharge such other duties as pertain to the office of Secretary or as may be prescribed by the Board of Directors (should there be something about preserving records, archives, old minutes, receiving communications, etc.?)

ARTICLE XII

The Treasurer

It shall be the duty of the Treasurer:

1. To receive and deposit all funds of the Association, to be paid out only on checks drawn as hereinbefore provided, and to account for all receipts, disbursements and balance on hand.
2. To furnish a bond in such form and in such amount as the Board of Directors may from time to time require.
3. To install a system of bookkeeping and auditing such that the Board of Directors may understand and be fully advised monthly concerning the receipts and disbursements of the Association.
4. To discharge such other duties as pertain to the office of Treasurer or may be prescribed by the Board of Directors.
5. While retaining full responsibility for the foregoing duties, the Treasurer may delegate some of them to the business manager of the Board.

Earlier Bylaws allowed the Treasurer to delegate to the business manager the full responsibility for these duties.

ARTICLE XII

Amending Notes

This Association shall have the power to borrow money in such amounts and upon such terms and conditions as may from time to time seem advisable or necessary, by a majority vote of all Directors, subject to the approval of the Bishop of the Roman Catholic Diocese of Grand Rapids.

ARTICLE XIV

Episcopal Vote

In the event that any act passed by the Board of Directors shall not meet with the approval of the Bishop of the Roman Catholic Diocese of Grand Rapids, the Board shall be informed of such disapproval by the Director who is the representative of the Bishop.

ARTICLE XV

Amendments

The Bylaws of the Association may be altered or amended at any public meeting of the Board of Directors by a majority vote of all Directors, providing that notice of intent to amend, together with specific wording of the proposed amendment(s), is received by Directors at least five (5) days prior to the meeting at which the amendment(s) will be proposed.

Earlier Bylaw on amendments did not require prior notice of intent to amend.

A Bylaw concerning the order of business at meetings has been deleted.

ARTICLE XVI

Effectivity Date

These Bylaws shall become effective upon adoption thereof by majority vote of all members of the Board of Directors at a public meeting and upon written approval thereof by the Bishop of the Roman Catholic Diocese of Grand Rapids.

\* \* \* \* \*

I, the Secretary, hereby certify that at a duly constituted meeting of the Board of Directors, a resolution passed adopting these Bylaws, and that written approval thereof was received from the Bishop of the Roman Catholic Diocese of Grand Rapids.

Dated at Grand Rapids, Michigan, this \_\_\_\_\_ day of \_\_\_\_\_  
In the year of our Lord Nineteen hundred and \_\_\_\_\_



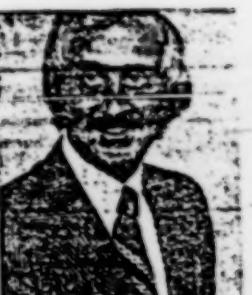
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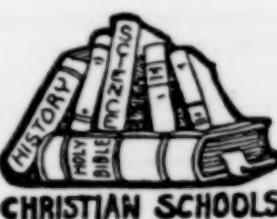


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CHRISTIAN SCHOOLS

GRAND RAPIDS CHRISTIAN SCHOOL ASSOCIATION

120

GRAND RAPIDS CHRISTIAN SCHOOL ASSOCIATION

BYLAWS

ARTICLE I. OFFICES AND OBJECTS

Section 1.1 Office. The principal office of the Association shall be located in Kent County, Michigan.

Section 1.2 Object. The purpose of the Association shall be as set forth in the Articles of Incorporation. In the event of the dissolution of the Association, its funds and properties shall be used and distributed only and exclusively for the benefit of Christian education as more specifically described in the Articles of Incorporation. The corporation and its schools shall accept enrollment without discrimination as to race, color, sex, or national origin. All rights and privileges of the corporation and its schools shall be afforded to all students.

Section 1.3 Basis. The supreme standard of the Association shall be the scriptures of the Old and New Testament, herein confessed to the infallible Word of God, as these are interpreted in the historic Reformed confessions: The Belgic Confession, Heidelberg Catechism, and Canons of Dort.

Acknowledging that these Scriptures, in instructing us of God, ourselves, and God's creation, contain basic principles authoritative and relevant for education, we hold that:

- (a) The authority and responsibility for education children resides in the parents or guardians of the children and not in the state or the church. Parents, however, may delegate their authority to those who can competently carry out this God-given parental right.
- (b) The primary aim of a Christian parent is securing the education of his child should be to give him a Christian education -- that is, an education whose goal is to equip the child for living the Christian life as a member of the Christian community in contemporary society.
- (c) Christian parents, when delegating the authority for educating their children, should delegate it to those institutions which seek to provide Christian education for the student.
- (d) The responsibility for maintaining such institutions rests on the entire Christian community.
- (e) The Christ proclaimed in the infallible Scriptures is the Redeemer and Renewer of our entire life, thus also of our teaching and learning. Consequently in a school which seeks to provide a Christian education it is not sufficient that the teachings of Christianity be a separate subject in the curriculum, but the Word of God must be an all-prevading force in the educational program.

ARTICLE II. MEMBERS

Section 2.1 First Members. The first members of the Association shall consist of all persons who were members in good standing of any society which was a party to the Agreement of Consolidation by which this Association was formed. Such members shall remain members until thirty days after the first annual meeting of members as provided in Section 3.2 of these bylaws. All persons who were members of a Society the assets of which are acquired by the Association shall become members of the Association, if the purchase agreement entered into by the Association so provides. Such members shall remain members for thirty (30) days after the effective date of such Agreement. Thereafter all persons shall remain members of the Association in accordance with the rules governing membership set forth in Section 2.2 hereof.

Section 2.2 Qualification. Any person possessing all the following qualifications shall be a member of the Association:

- (a) He or she shall subscribe to the basis set forth in Section 1.3;
- (b) He or she shall be eighteen (18) years of age or older; and
- (c) Either
  - (i) one or more children in his or her household attend a school of the Association, or
  - (ii) he or she makes an annual contribution of \$5.00 or more to the Association, such contribution being applicable to the school year (September 1 to August 31) during which it is made, or
  - (iii) he or she is a member in good standing of a booster club or educational society, contributes \$5.00 or more to such society and is named on the annual list of such members certified to the Association by the Club or Society.

Section 2.3 Expiration of Membership. The membership of a member shall expire on August 31 of any year, if at that date he is no longer qualified under Section 2.2.

Section 2.4 Membership nontransferable. Membership in the Association is nontransferable.

ARTICLE III. MEETING OF MEMBERS

Section 3.1 Place of Meeting. The Board of Trustees may designate any place within the County of Kent, State of Michigan, as the place of meeting shall be the registered office in the Association in Kent County, Michigan.

Section 3.2 Annual Meetings. The annual meeting of the Association shall be held in May of each year, beginning with the year 1969, for the purpose of considering and approving the annual budget of the Association and for the transaction of such business as may come before the meeting.

Section 3.3 Special Meetings. Meetings of the members for any purpose or purposes may be called by the President or the Board of Trustees.

Section 3.4 Notice of Meetings. Written or printed notice stating the place, day and hour of any meeting of members shall be delivered, either personally or by mail, to each member not less than seven (7) days before the date of the meetings, by or at the direction of the President, the Secretary, the Board of Trustees, or the persons calling the meeting. The purpose or purposes for which any special meetings is called shall be stated in the notice. If mailed, the notice shall be deemed to be delivered when deposited in the United States mail, addressed to the member at its address as it appears on the Association's record, postage prepaid.

Section 3.5 Membership List. As of a date thirty (30) days before each annual meeting of members, the Secretary of the Association shall prepare or cause to be prepared a list of all members in good standing of the Association. Such members shall be the members entitled to notice of and to vote at the annual meeting.

Section 3.6 Quorum. Fifty of the members shall constitute a quorum at any meeting of members. If a quorum is not present at any meeting of the members, a majority of the members present may adjourn the meeting from time to time without further notice. (As amended in April, 1981)

Section 3.7 Proxies. At all meetings of members, a member may vote by proxy signed by him. Such proxy shall be filed with the Secretary of the Association before or at the time of the meeting. No proxy will be valid after eleven (11) months from the date of its execution.

Section 3.8 Voting. Each member shall be entitled to one vote upon each matter submitted to a vote at a meeting of members.

ARTICLE IV BOARD OF TRUSTEES

Section 4.1 General Powers. The property and affairs of the Association shall be managed by its Board of Trustees. Without limiting the generality of the foregoing, the Board shall have educational and financial powers and duties set forth in Article V hereof.

Section 4.2 First Board of Trustees. The first Board of Trustees shall consist of persons named as Trustees in the Agreement of Consolidation by which the Association was formed. The first Board of Trustees shall hold office until the annual meeting of members in 1969.

Section 4.3 Qualifications and Number of Trustees. Trustees shall be elected by members as provided in Section 5.2. Each Trustee shall hold office for the term for which he is elected and until his successor shall be elected and qualified. Each Trustee must be a member of the Association. No trustee shall serve more than two (2) successive terms in the Board of Trustees.

Two (2) Trustees shall be elected by the numbers of each constituent school district (elementary and High school). The number of Trustees is not to exceed twenty (20).

Section 4.4 Classification of Trustees. At its annual meeting in 1969, the Board of Trustees shall divide and allocate its members into three (3) classes with an equal or nearly equal number of Trustees in each class. The Trustees in the first class shall hold office for a term of one (1) year. The Trustees in the second class shall hold office for a term of two (2) years. The Trustees in the third class shall hold office for a term of three (3) years. Each Trustee shall serve for the term of the class in which he is placed. In 1970 and thereafter, each Trustee who is elected shall be elected for a term of three (3) years.

Section 4.5 Regular Meetings. A regular annual meeting of the Board of Trustees shall be held on the first Monday in June, without notice than this Bylaw. Additional regular meetings may be held as determined by the Board of Trustees from time to time, without notice other than the resolution establishing the time and place of each meeting.

Section 4.6 Special Meetings. Special meetings of the Board of Trustees may be called by the President or any three (3) Trustees.

Section 4.7 Notice. Notice of any special meeting of the Board of Trustees shall be given at least two (2) days before such meeting and delivered personally or sent by mail or telegram to each Trustee at his address shown on the Association's record. The purpose or purposes of any regular or special meeting of the Board need not be specified in any notice unless required by law. The attendance of a Trustee at any meeting shall constitute a waiver of notice of such meeting.

Section 4.8 Quorum. A majority of the Board of Trustees shall constitute a quorum for the transaction of business at any meeting of the Board, but if less than a majority of Trustees is present at any meeting, a majority of those present may adjourn the meeting from time to time without further notice.

Section 4.9 Manner of Acting. The act of a majority of Trustees present at any meeting at which a quorum is present shall be the act of the Board of Trustees, unless a greater number is required by law.

Section 4.10 Vacancies. Vacancies in the Board of Trustees shall be filled by the affirmative vote of a majority of the remaining Trustees, though less than a quorum. A Trustee elected to fill a vacancy shall serve for the unexpired term of his predecessor in office.

Section 4.11 Compensation. Trustees as such shall not receive any salaries for their services but, by resolution of the Board of Trustees, may be reimbursed for expenses incurred in the performance of their duties. Nothing herein contained shall preclude any Trustee from serving the Association in any other capacity and receiving compensation therefor.

Section 4.12 Informal Action. Any action which may be taken at a meeting of Trustees may be taken without a meeting, if the Trustees shall severally or collectively consent in writing to such action.

ARTICLE V. LOCAL SCHOOL DISTRICT AND BOARDS.

Section 5.1 Local Boards. Each constituent School Society which operated an elementary school at the time of such Society's consolidation into the Association and the High School Society, and any Society the assets of which are acquired by the Association in exchange for membership in the Association, shall continue as a school district. The Board of Trustees serving such Society at that time (called the 'local Board') shall continue as a board and shall be elected and re-elected by the members of the Association resident in such district. The local Board shall have such bylaws providing for the number and election of its board members and officers and for the conduct of its affairs as it may choose to adopt, provided that no person shall serve more than two (2) successive terms of three (3) years each on a local board, and providing that such bylaws shall not be conflict with the bylaws of the Association.

Section 5.2 Election of Trustees. Each local board shall nominate and cause to be held in accordance with its bylaws an annual meeting of all members of the Association resident in the district served by such local board, for the purpose of electing persons to serve on the Board of Trustees of the Association. Such election shall be held each year prior to the annual meeting of the Association (as provided in Section 3.2) so that the Trustees so elected may take office at such annual meeting. Each Trustee elected by members of a particular district shall be a resident of such district and shall attend meeting of the local board.

Section 5.3 Advisory Functions. The local board shall advise the Board of Trustees regarding the operation of the school in its school district, including matters of finance, planning, buildings, administration and special problems affecting the particular school or district.

ARTICLE VI. EDUCATIONAL AND FINANCIAL AUTHORITY OF BOARD OF TRUSTEES.

Section 6.1 Educational Authority. The Board of Trustees of the Association shall have general and plenary authority, power and responsibility with respect to the educational policies in its schools, including, without limitation, the following:

- (a) To determine and establish the curricula and courses of study to be taught in its schools;
- (b) To establish grades and departments in its schools;
- (c) To hire and contract with principals, teachers, librarians and other faculty and staff, and assign such persons to its schools;
- (d) To specify, purchase and furnish books and other educational materials, supplies and equipment;
- (e) To specify or contract with the supplier of buses for transportation of students;
- (f) To establish boundary lines defining the geographical areas to be served by each school building;
- (g) To establish policies for interschool functions and relationships;

- (h) To develop, establish and carry into effect plans for the development of Christian education in those areas which are or may be served by the Association;
- (i) To make rules and regulations relating in any way to the administrative and educational policies to be followed in its schools.

Its first Board of Trustees shall consider and vote upon a policy relating to continuing contracts with professional educational personnel.

Section 6.2 Financial Authority. The Board of Trustees of the Association shall have the right, authority and power to raise funds for the purposes of the Association, including:

- (a) The power to collect from its members such amounts as may be authorized by the members to carry out the duties and responsibilities of the Association.
- (b) The power to initiate and conduct fund-raising campaigns.
- (c) The power to solicit and collect funds directly from individuals and others (who may or may not be members of this Association) in its discretion, for operating expenses, for the construction and acquisition of facilities or other capital improvements, or for debt retirement;
- (d) The power to borrow, etc., as set forth in Section 11.1.

ARTICLE VII OFFICERS AND SUPERINTENDENT.

Section 7.1 Officers. The officers of the Association shall be a president, one or more vice presidents (the number to be determined by the Board of Trustees), a secretary and a treasurer. All such officers shall be members of the Board of Trustees. The Board may elect or appoint such other officers, including one or more assistant secretaries and assistant treasurers as it shall deem desirable, such officers to have the authority to perform the duties prescribed from time to time by the Board. Any two or more offices may be held by the same person, except those of president and vice president, and except the of president and secretary. The Board shall also employ a superintendent of schools.

Section 7.2 Election and term of Office. The officers of the Association shall be elected by the Board of Trustees at each annual meeting of the Board. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Board of Trustees. Each officer shall hold office until his SUCCESSOR shall have been duly elected and shall have qualified. The superintendent shall be employed with such duties and upon such terms and conditions as the Board shall determine.

Section 7.3 Removal. Any officer elected or appointed by the Board of Trustees may be removed by the Board of Trustees whenever in its judgment the best interests of the Association would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

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Section 7.4 Vacancies. A vacancy in any office occurring for whatever reason may be filled by the Board of Trustees.

Section 7.5 Duties of Officers. Each officer shall perform the duties incident to his office and such other duties as shall be prescribed by the Board of Trustees from time to time.

Section 7.6 Bonds. The Board of Trustees may require any officer or agent to file with the Association a satisfactory fidelity bond, the premiums for which shall be paid by the Association.

ARTICLE VIII. COMMITTEES

Section 8.1 Executive Committee. The Board of Trustees may, by resolution passed by a majority of the whole Board, designate two or more of their members to constitute an executive committee which, to the extent provided in such resolution, shall possess and exercise the authority of the Board between meeting of the Board.

Section 8.2 Other Committees. The Board of Trustees may create and appoint such standing committees and such other or special committees as the Board shall deem necessary or advisable. All standing and other committees shall consist of such number of persons, who may include faculty and Trustees, shall perform such duties and shall serve for such terms of office as the Board of Trustees shall determine.

ARTICLE IX. CONTRACTS, CHECKS, DEPOSITS AND FUNDS

Section 9.1 Contracts. The Board of Trustees may authorize any officer or officers, agent or agents of the Association, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association, and such authority may be general or confined to specific instances.

Section 9.2 Check, Drafts, Etc. All Checks, drafts, or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Association and in such manner as shall from time to time be determined by resolution of the Board of Trustees. In the absence of such determination by the Board of Trustees, such instruments shall be signed by the Treasurer or an Assistant Treasurer and countersigned by the President or a Vice President of the Association.

Section 9.3 Deposits. All funds of the Association shall be deposited from time to time to the credit of the Association in such banks, trust companies or other depositaries as the Board of Trustees may select.

Section 9.4 Gifts. The Board of Trustees may accept on behalf of the Association, any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Association.

ARTICLE X. FISCAL YEAR

Section 10.1 The fiscal year of the Association shall be fixed by resolution of the Board of Trustees.

ARTICLE XI. POWER OF BOARD TO BORROW

Section 11.1. The Board of Trustees shall have full power and authority to borrow money up to an amount not exceeding one-twelfth of the operating budget of the Association whenever in the discretion of the Board the exercise of said power is required in the general interests of this Association and, in such case, the Board of Trustees may authorize the proper officers of the Association to make, execute and deliver in the name and behalf of this Association such notes, and other evidence of indebtedness as the Board shall deem proper, and the Board shall have full power to mortgage the property of this Association, or any part thereof, as security for such indebtedness, and no action on the part of the membership of this Association shall be requisite to the validity of any such note, evidence of indebtedness or mortgage.

ARTICLE XII. WAIVER OF NOTICE

Section 12.1. Whenever any notice is required to be given by law or under the provisions of these Bylaws, a waiver thereof in writing, signed by the person entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XIII. AMENDMENTS

Section 13.1 Except for Section 1.3, these Bylaws may be altered, amended or repealed and new Bylaws may be adopted by a simple majority vote of the members present at any meeting of the members. Section 1.3 may be altered or amended only by the affirmative vote of at least three-fourths of the total number of members of the Association.

**PLAINTIFFS' EX 82**

AUDIO PORTION OF 30-MINUTE TV PROGRAM  
SPONSORED BY GRAND RAPIDS CHRISTIAN  
SCHOOL ASSOCIATION AND AIRED ON WOTV  
APRIL 20, 1982 AT 7:30 P.M.

MR. BOLTON: From this Christian School and others like it thousands of young people have graduated who now live and work in the Grand Rapids Community. Some people criticize these schools as divisive or elitist. Schools that they perceive only the rich can afford, while others laud them as a valuable resource to the community because they are schools that practice faithfully the time proven values of a good sound education. What are Christian Schools? Why are they here? What, if anything, makes them different from public schools? This program will help you find answers to those questions. The Grand Rapids Christian School Association is composed of six schools. Creston-Mayfield Christian School serves a rapidly expanding community in the city's northeast side. Creston is the oldest school in the Association, having been organized in 1890. The school draws students from families living as far away as Rockford and Cedar Springs. Oakdale Christian, opened in 1892, is slated to receive extensive renovation this summer. This school meets the needs of many cultures and draws children of families from over 50 individual congregations. Seymour Christian School was opened in 1921. The staff here is representative of the level of academic excellence among the teachers in the Association. With 14 full-time teachers and an additional six part-time, the staff represents an average of eight years experience. Sylvan Christian School located on Griggs Street, S.E. has one of the finest pre-school programs in all of Western Michigan. Pre-school students are taught through a series of interactions between themselves and different aspects of their environment. Millbrook Christian School is the newest facility in the Association having been built in 1954. Located just off 36th Street, S.E., Millbrook draws students from as far away as Caledonia. Grand Rapids Christian High School culminates the learning experience in Association schools. At Christian High nearly 800 students attend classes taught by a 44 member staff. Christian High School recently graduated the American Legion Oratorical Contest National Champion. On the surface, as you've seen, these schools look like any other schools. Young people learn arithmetic, spelling and geography. They have art and music classes, just like other schools have. And they enjoy the performing arts, as evidenced by this scene from "The Music Man".

There are some additions. Children in these schools attend Chapel services. They open and close each school day with prayer. They study the Bible and the history of the Christian church. We visited one class in particular, a Bible class for ninth graders at Oakdale School because it illustrates the ability of a Christian School to direct the students' spiritual growth.

TEACHER: May I see a show of hands of you people who are presently involved in family prayer? How many of you do that now? Alright. That's very good. I want to encourage you to believe that, because I do think that the family prayers become more vital, more important, as people participate directly in them. What were some of the types of things that you have prayed for recently? May I have some volunteers on that? Yes. Your brother who is in the Navy. What's the . . .

MR. BOLTON: Obviously the teacher in this class shares the values of the parents in these children's homes, and the lessons taught here each day are the same ones that the students learn in church and at home. With things like opening in prayer and an hour of Bible study everyday are not the primary reasons parents spend thousands of dollars to send their children to Christian Schools. At the heart of Christian education is a commitment to Jesus Christ. Parents see the world from that perspective and they want their children to be taught that same vision. The school is a partner with the home and the church in teaching the values, the attitudes, the ideas and the goals that Christian commitment demands. In every part of the learning process, in every class, in every activity, children are taught to keep Jesus Christ at the center of their lives. Teachers in these schools know they are molding young lives, not only for decades but for eternity.

TEACHER: (Roy DeBoer) That statement initially is frightening because it's such an awesome responsibility. But I think that the closeness of the staff and as people working together realizing that that is our goal and it is our objective, is one that keeps us going and keeps us busy and keeps us with a sense of responsibility, and I think that is a terribly important thing.

TEACHER: (Carole Barber) Our whole philosophy of our Christian living is based on what we teach the children and so forth. We're preparing the children for a Christian life in a community in a contemporary world, and everything that we do has to be based on Scripture, and values and morals that I teach will be based on Scriptures, and I think that can be intertwined in everything that I teach - very specifically in Bible lessons, of course, and Devotions, but

we're teaching the children love and patience and kindness and so forth, and I guess I feel that that has to be their whole outlook on life and that's intertwined in everything that we do. I would hope that we're not just teaching for education, but we're teaching for the whole child - for his spiritual development, for his social development and, of course, for the academic development and we hope that that will have a long-range lasting effect on the student.

MR. BOLTON: This is what students told me about attending a Christian School:

STUDENT: A good atmosphere for me to be in and everybody has the same mutual belief in how to live their lives and we all believe in the Christian faith and so we can talk about it with each other.

STUDENT: Oh, because it's Christian and I learn lots of things in the school. I learn some hard things and it's kind of a challenge and to see if I can do everything.

MR. BOLTON: Do you think going to a Christian School is better than, say going to some other school?

STUDENT: Yeah.

MR. BOLTON: Why?

STUDENT: Because you learn about God and you wouldn't learn about God in like public schools or anything.

MR. BOLTON: You like to learn about God?

STUDENT: Mm. Mh.

MR. BOLTON: Because a school is an extension of the home, and supported financially by the parents, they are vitally interested in the control and guidance of the schools. Parent-Teacher conferences are very well attended as families and school work together to develop the children's abilities. Special meetings of parents are sometimes called for special reasons. This meeting at Oakdale School is a prayer meeting to ask God's guidance and blessing on a fund drive. Each school has a board made up of parents. That board provides direction and policy for the administration of the school. In addition, more parents serve on the board of the Christian School Association. When we ask parents why they chose to send their children to Christian Schools, their answers reflect their concern for classroom environment - a concern for an excellent educational program - and a commitment to a Christ centered foundation for the entire educational process.

PARENT: Well, I happen to be a grandparent of children and I know how these parents feel. It's just a very, very vital extension of the home and part of the Christian education which they are trying to promote.

PARENT: I think it's headed by Jesus Christ and I think it will be an example to the world as to what Christ wants his body to be like and that is to be united in one spirit. We are all united. We are all God's children and that we can work together.

PARENT: (BILL Slickley) The common thread through all of the parents and the children in this school is that they have a faith in God through Jesus Christ and they want to live that faith and develop that faith in a common community, and that's what we have here - a Christian community.

MR. BOLTON: Most of the parents who send their children to Christian Schools pay the tuition themselves. Parents who make up the Association represent a cross-section of families ranging from poor to wealthy. However, most of the people are average middle-class parents who often make a real financial sacrifice to meet tuition expenses. We discussed the financial aspect of Christian education with a couple from Seymour School. Chuck, is tuition a burden?

CHUCK VANDER SLOOT: I wouldn't call it a burden, Dave. It's a payment to make I guess, and it's one that we commit ourselves to at the time we enroll our children and from that point on you treat it like house payments or tax payments or gasoline for the car. It's something that has become a part of our cost of living.

MR. BOLTON: Chris, obviously I assume you think it's worth it.

CHRIS VANDER SLOOT: Right. I think it's a matter of setting your priorities and for us, and many others, this is one of the priorities. I've had the opportunity to talk to different parents and often the issue of tuition did come up, and I found that for the most part, even though for some parents it was really quite a hardship, they really were excited about the education their children were getting and they just really felt this was worthwhile. It was also a chance for them, I think, to teach their children about values. I think that a lot of the children know that their parents are sacrificing something for them, but yet they're teaching them the quality of life rather than quantity of possessions, and I think this is a worthwhile lesson and most of the parents I think really feel that this is true.

MR. BOLTON: When parents cannot pay the full cost of tuition for their children, their local church may help through freewill offerings from other church members. These parents experience the support and concern of the entire Christian School community.

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While the cost of education is paid in most cases by parents of children who are now in school, other costs are met by all members of the school community. Buses, buildings and other capital expenditures are paid for through special fund drives. Dr. Warren Boers, President of the Grand Rapids Christian School Association Board and Co-Chairman of a current fund drive called "Focus On Christian Education" - we talked with him about the role that fund drives play in raising the money to meet Christian School community needs.

DR. BOERS: We have commonly used fund drives to cover expenditures over and above the cost of education. Basically, the cost of education for students is paid by the parents. A couple of examples of additional expenditures would be capital improvements on our buildings and new buses. This year the drive goal is much higher than usual because our oldest school, Oakdale, is in need of a long overdue extensive renovation. The Association also needs to purchase a new bus this year and make some necessary improvements on some of our other buildings. In addition to those needs, difficult economic times have resulted in a deficit in our general fund. So it is a big challenge.

In the past, our drives have invariably been successful and in spite of the present economy, we're hoping that conditions will change as the year goes along, our Association members and interested friends will just dig a little deeper this year in order to help us achieve our goals. That kind of loyalty and generous giving has always been one of our strengths. It binds us together and keeps us going, and for that we are very thankful to God.

MR. BOLTON: Projects such as this drive depend heavily on volunteer support throughout the Association. We talked with some parents in the Sylvan School District about their involvement. How are you involved? What do you do?

RICH BAKER: I personally am involved in the Master Gift Giving Guide which involves calling on the area businesses and asking for their financial support for the Christian School drive. I am also a member of the Sylvan School Board and as a board member, we have appointed a chair person to head up the drive among the parents of Sylvan School.

MR. BOLTON: And Fran, you're involved too?

FRAN BAKER: Yes. I will also be calling and I will be asking people to give their money and prayers for the school. We need both very much.

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MR. BOLTON: We also visited the School Association Offices to discuss the "Focus" campaign with Mr. William Gritter, Superintendent of the Grand Rapids Christian School Association. Mr. Gritter, what are the specific goals of the fund drive?

WILLIAM GRITTER: The fund drive has three components, Dave. The first component is the operating fund deficit. The second component is the Oakdale renovation and the third component is other capital needs that we have at our Association, such as roof repair, bus replacement, portable classrooms for one of our other district schools.

MR. BOLTON: What does that come to? What is the total amount that you need then?

WILLIAM GRITTER: The total amount is \$1,000,000.

MR. BOLTON: Mm. \$1,000,000 is a lot of money - especially in these troubled economic times. Do you think that you'll make your fund drive goal?

WILLIAM GRITTER: We're confident that we can meet the goal. It is a large amount - we realize that, but we do have real and urgent needs and if they are presented clearly, we believe that the families will respond. I might add that we have several thousand members in our Association and these thousands of members are committed to providing an excellent program and excellent facilities for the children who attend these schools. They have a sense of community - a sense of responsibility for providing Christian education for these children. And I might add too, Dave, that our system of schools adds to the quality of life in Grand Rapids and we're hopeful that the broad Grand Rapids community will be supportive of us in this drive also.

MR. BOLTON: And so you feel that because the needs are real and urgent the people in your constituency will come through?

WILLIAM GRITTER: No question about it. When we present the needs, our history has been that the people respond.

MR. BOLTON: We've come to Oakdale School for a first-hand look at the Oakdale project. Some people might say that \$700,000 is a lot of money to invest in a neighborhood such as Oakdale. Mr. Gritter, this neighborhood is certainly an older part of the city and some people might wonder if it's worth putting a lot of money into this school. How would you respond to a question like that?

WILLIAM GRITTER: Well, Dave, the Association did a very thorough study of the area before proceeding with the plans and the study showed rather convincingly that the neighborhood is

stabilizing, that young families are moving in and they want their children educated here at Oakdale. Also, a very important factor is the increasing enrollment that we're experiencing in the Association and we just need the space here at Oakdale in order to house our students and that's a very important consideration for us because in our other district schools we are experiencing some crowded conditions. In fact, at one of our district schools, Creston, we're going to be using three portable classrooms next year. So the space here at Oakdale is very important to us and thus this renovation project is very important as far as the future is concerned.

MR. BOLTON: This building dates back to 1924. It's definitely in need of renovation, but like many buildings constructed in the '20's, this building is structurally sound.

DR. WARREN BOER: Specifically, the renovation at Oakdale will include refurbishing classrooms, restrooms, corridors and stairs. The building will need new exterior windows and doors. We need to install a restroom on the third floor and replace exterior hardware and doors. We need some new boiler piping. We'll need to upgrade existing electrical systems. There will be partial re-roofing necessary and new classroom furniture and equipment.

MR. BOLTON: Those life-long residents of this area and those who have recently moved in express a lot of confidence in the Oakdale neighborhood and this school. Mr. George Brander has lived in the Oakdale area for most of his 100 years. He went to school here at Oakdale in 1893. Mr. Brander, you are a supporter of the Oakdale area and this school in particular. Why do you feel that it is so important to renovate this school?

GEORGE BRANDER: Well, I must say I supervised the construction of this building when it was built in 1923. That was the major part of this building and I feel that it is a good structure, but I do believe that time has come that it needs renovation for there are many people who live in this little section in this area who want their children to go to Oakdale School and we should give them a good facility while they're attending this building.

MR. BOLTON: We're talking to Glen and Linda Weaver who recently moved into the Oakdale School area, and I guess basically what I would like to ask the two of you is why did you move into the area and why would you want your children to come to the

Oakdale School? Who wants to start out first?

LEN WEAVER: I suppose one reason we moved into this area was a very practical one. We found very good housing values in this neighborhood and we've been very pleased with the home that we bought, but there were deeper reasons too. As we looked into the neighborhood, we found that it seemed to be a very interesting place to live with the number of different ethnic backgrounds represented and the number of community opportunities too - neighborhood associations, libraries, things such as that.

MR. BOLTON: Linda would you have anything to add to that?

LINDA WEAVER: Well we also looked for a neighborhood with a number of small children in the area so our children would have other children to play with and we found that here. And we also enjoyed the school - we heard many good reports about the Christian School here and the dedicated teachers and we thought it would be a good place to send our children.

MR. BOLTON: Also with us is Mr. Mike Bruinooge who has lived here in Oakdale for only three years. Mr. Bruinooge, why do you like this area and this school?

MIKE BRUINOOGHE: Well we like the area because it's a stable area. I like the old homes. We have very fine neighbors - it's a pleasant place to live and we moved, I guess mainly because of Oakdale Christian School. We moved to this area because we see in Oakdale a school that has a quality education for our children - a Christian education - and it's multi-cultural and multi-racial and all those things are really important to us.

MR. BOLTON: So you feel that there's a good solid future for you and your family here in the Oakdale area with your children attending this school then?

MIKE BRUINOOGHE: We don't have any doubt of it. We're really happy here.

MR. BOLTON: Earlier when we talked to Superintendant Gritter, you'll recall that we learned of the \$1,000,000 goal for this year's "Focus" campaign. Here at Oakdale School, parents and students demonstrated their enthusiasm and commitment to the "Focus" campaign by conducting a pace-setter drive which garnered in excess of \$100,000. As Principal of Oakdale Christian School, we asked Mr. Ron Boss for his comments on the Oakdale project.

RON BOSS: Well, first of all Dave, we're really excited about this project. A number of us have been working very hard for a number of years. We sensed that the neighborhood has stabilized. We

believe that the school performs a very valuable service here. We know that the building needs to be renovated - it will certainly help what we're trying to do program wise. We also felt that this school was important in this community. We have a community attitude about what we're doing. We believe the community understands what we're doing. We believe that the community wants us to be here and, we as Christians believe that we do have something to offer to the City and to this community that comes from our basic belief in God and in the Bible and in the stability of the family.

MR. BOLTON: Obviously it takes more than enthusiasm and optimism to accomplish goals like those outlined in this brochure - and we're talking to Mr. John Van Lopek, Business Manager of the Grand Rapids Christian School Association about his feelings regarding the campaign.

JOHN VAN LOPEK: Thank you Dave. This campaign provides a tremendous opportunity for the entire community to respond through its strong financial support. We want to encourage all families and friends to consider making a one-year pledge. For those without children in school, the general guideline is \$5.00 per week. For those with children in school, the suggested weekly pledge amount is \$3.00. With this type of financial support from the total community, our needs will surely be met.

MR. BOLTON: This feeling of community is illustrated by the fact that students from each Association School come here to Grand Rapids Christian High. Mr. Earl Schipper and his religion class met with us to talk about the benefits of a Christian education.

EARL SCHIPPER: Some of you probably have stronger ideas about Christian education than others because some of you have come from non-feeder schools.

STUDENT: I think it helps cement what our parents want for us. When you go out into the world it's necessary to have a set system of values and going to a Christian school you get those values set deeply enough so that when you go out into the real world and encounter people of many different beliefs and morals and stuff like that, you can stick to your own set of values.

STUDENT: I think there's more of a personal atmosphere. Everybody cares about you. You don't feel alone as much as you might in a non-Christian school.

STUDENT: I came from a public school so it's been a really big change. You get a lot more interaction between all the different groups of kids.

STUDENT: We have many different religions in here while one main religion, Christianity, but within that we have our Christian Reformed, Reformed, Lutheran, Baptist, and by having the religion class meeting we can hear everybody's main things from what their denomination or whatever and we're able to tal' to it and be open to everybody else's ideas and stuff.

STUDENT: The teachers are a little more caring in school because, well they're Christians and they're taught to take care of their kids in class and you know - help them to grow in the Christian way of life. Christianity is the way to grow up.

EARL SCHIPPER: I don't know, I think that if you talk about the value of Christian education you all mention the fact that teachers really seem to care a lot more - that's the one thing that I notice around here. The teachers really care about individual students, what problems they're having, what's going on in their homes, and I think in addition to that there is always an attempt to integrate your Christianity into every area of life so that you see your Christianity in an area of mathematics, biology and sociology and all of these Christian values incorporate your total academic experience and I think that's an invaluable thing to have.

MR. BOLTON: This focus on Christian education has touched briefly on the ideals of Christian education - what it is and how it works on a daily basis. Now, we've looked at the immediate goals of the capital fund drive which is in progress and we have talked about the feeling of community that makes up the Grand Rapids Christian School Association. Our goals have been to introduce Christian education to you viewers who may be considering a Christian education for your children. We also wanted to examine and explain the various components of the current fund drive to those of you who are members of the Association. The theme for this fund drive and the title of this special half hour is "Focus On Christian Education". We hope that it has been an informative program, and on behalf of the Grand Rapids Christian School Association, I thank you for tuning in.

PLAINTIFFS' Ex 91



## TROUBLED TIMES

These are tough times for the public schools. Our poor economy has dictated drastically reduced funding for public education. Until the economic situation improves, school districts like ours are going to suffer.

In previous HIGHLIGHTS, we have mentioned a few of the difficult decisions the board and Superintendent Dow have had to make in order to adjust to financial cutbacks. The severest of these cutbacks have been at the state level. Here now is a review of recent funding decisions by the state and their effect on the Grand Rapids Public Schools.

Schools have suffered much recently due to Executive Order Deducts (E.O.D.'s). E.O.D.'s are reductions in the state budget taken after it has already been accepted by the state legislature. Last September, Governor Milliken issued a \$135 million E.O.D. from the state budget. Aid to schools and colleges had to be cut significantly. The Grand Rapids Public Schools' budget was reduced by \$324,000.

Just three weeks later, the Governor had to issue another E.O.D. of \$270 million. This meant that our district lost another \$474,000. In less than a month, our budget had to be adjusted down almost \$800,000.

Fortunately, the Superintendent and his staff had foreseen possible cuts when they planned the district's budget. Our educational programs would not suffer substantively, although further reductions in staff were inevitable.

Since January of 1981, the GRPS work force has been reduced by more than 880 employees. According to Superintendent Dow, this particular course of action "has been very, very painful, but has enabled us to remain financially stable while protecting our programs."

This past March, Governor Milliken announced another E.O.D. of \$450 million. The GRPS will lose another \$700,000, bringing our total in state aid reductions — within a six month period — to approximately \$1.5 million.

Along with this, the governor's budget message on March 10 included notice that all community colleges, including Grand Rapids Junior College, will not receive their fourth quarter state aid payments (July - September). For GRJC, this payment equals \$1.7 million. The Governor added, however, that if the economy improves enough he intends to replace this lost payment sometime next fiscal year.

The fact is that even if the \$1.7 million in state aid is replaced next fiscal year — and there is no guarantee that it will be — the Junior College will suffer an immediate loss in interest earnings of \$80,000 which must be cut from its budget and will not be replaced by the state.

From 1969 to 1981, the state has lowered its general fund contribution to education (both K-12 and colleges) from 58% to approximately 46%. In fiscal year 1978-79, the state designated over \$900 million for K-12 education. Next year, this contribution in state aid will be only \$250 million.

According to David Haynes, the GRPS director of Federal and State relations, "If this trend continues, the state will be contributing zero dollars from the general fund in 1983-84. Financial support for public education would then have to come entirely from local property taxes and from the Michigan School Aid Fund — sales tax, the lottery and special taxes."

Now, in planning for the 1982-83 school year, the Superintendent is preparing for additional staff reductions in order to work within available revenue. During the 1980 millage campaign, Superintendent Dow promised the community of Grand Rapids not to ask for any additional millage for three years and he intends to fulfill this commitment.